



# City of Kingsburg

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Bruce Blayney  
Mayor

Michelle Roman  
Mayor Pro Tem

COUNCIL MEMBERS  
Ben Creighton  
Staci Smith  
Sherman Dix

Alexander J. Henderson  
City Manager

**AGENDA  
KINGSBURG CITY COUNCIL  
REGULAR MEETING  
WEDNESDAY  
MARCH 16, 2016**

**6:00 P. M.**

**KINGSBURG CITY COUNCIL CHAMBER  
1401 DRAPER STREET**

**5:00 P.M. CLOSED SESSION**

**CLOSED SESSION TO DISCUSS THE FOLLOWING ITEMS:**

**1. CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION**

Significant exposure to litigation pursuant to California Government Code Section 54956.9(b)  
(One potential case)

Invocation to be given by Jim Collins of Kingsburg First Baptist Church, followed by the Pledge of Allegiance led by Mayor Bruce Blayney.

**6:00 P.M. REGULAR MEETING**

**I. Call to Order and Roll Call -**

**II. Public Comments** – This is the time for any citizen to come forward and address the City Council on any issue within its jurisdiction. A maximum of five minutes is allowed for each speaker.

**III. Approve Agenda** – Action by the Council to approve the agenda or to make modifications.  
Note: The type of items that can be added to the agenda is constrained by State law.

**(NOTE: Next City Resolution No. 2016-018 -- Next City Ordinance No. 2016-003)**

**IV. a. Consent Calendar** – Items considered routine in nature are to be placed on the Consent Calendar. They will be considered as one item and voted upon in one vote unless individual consideration is requested. Each vote in favor of the Consent Calendar is considered and recorded as a separate affirmative vote in favor of each action listed, except where the item specifically notes a prior recorded opposition or abstention, in which case the present affirmative vote on the Consent Calendar is considered and recorded as reaffirming that prior opposition or abstention. Approval of Consent

Calendar items includes recitals reading ordinance(s) by title(s) only and adoption of recommended action(s) contained in staff reports.

1. **Approval of City Council Minutes** – Approve the minutes from the regular meeting held on March 2, 2016 and the Joint Meeting held March 8, 2016, as prepared by City Clerk Abigail Palsgaard.
2. **Adopt Ordinance No. 2016-001** – Waive second reading and adopt Ordinance No. 2016-001 Amending Section 17.56.040 of Title 17 of the Kingsburg Municipal Code, relating to regulation of signs and outdoor advertising and temporary signage, with the following recital constituting reading of the title of the Ordinance:

“AN ORDINANCE OF THE CITY OF KINGSBURG  
AMENDING CHAPTER 17.56.040 TO TITLE 17 OF  
THE KINGSBURG MUNICIPAL CODE”

3. **Adopt Ordinance No. 2016-002** – Waive second reading and adopt Ordinance No. 2016-002 amending Title 15 of the Kingsburg Municipal Code, relating to capital facilities fees/development impact fees, with the following recital constituting reading of the title of the Ordinance:

“AN ORDINANCE OF THE CITY OF KINGSBURG AMENDING TITLE  
15, OF THE KINGSBURG MUNICIPAL CODE PERTAINING TO  
CAPITAL FACILITIES FEES/DEVELOPMENT IMPACT FEES”

4. **Approval of Final Tract Map 6094 for the 34 lot residential subdivision submitted by Lennar Homes, Inc. for the property on the west side of 18<sup>th</sup> Avenue, south of Kamm-** Review the Staff Report by City Engineer Dave Peters; adopt Resolution 2016-015 approving the final map for Tract 5609 accepting on behalf of the public, the streets and easements as offered on the map in accordance with the terms of the dedications; and Authorize the City Manager to execute the Subdivision Agreement on behalf of the City, subject to review as to form by the City Attorney.

b. **Pulled Consent Calendar Items:**

V. **REGULAR CALENDAR**

1. **PUBLIC HEARING – General Plan Amendment 2016-01; Kingsburg 2015-2023 Housing Element Update and Approving the Accompanying Mitigated Negative Declaration** – Consider report prepared by Planning Consultant Holly Owen.

Possible Action(s):

- a. Open Public Hearing
- b. Presentation by Planning Consultant Holly Owen and Veronica Tam, Countywide Housing Element Consultant



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- c. Council Discussion
- d. Open Public Comment
- e. Close Public Comment
- f. Continued Council Discussion
- g. Close Public Hearing
- h. Adopt Resolution 2016-016, approving the Initial Study and Negative Declaration for the 2015-2023 Housing Element and adopt Resolution 2016-017, approving General Plan Amendment 2016-01 and adopting the City of Kingsburg 2015-2023 Housing Element

**2. Crime Statistics report for the Month of February 2016 – Prepared by Kingsburg Police Department Records Supervisor Corina Padilla.**

Possible Action(s):

- a. Presentation by Police Department Records Supervisor Corina Padilla
- b. Council Discussion
- c. Informational- No Action Necessary

**3. 2015 Annual Fire Department Report – Staff report prepared by Kingsburg Fire Chief Tim Ray**

Possible Action(s):

- a. Presentation by Fire Department Chief Tim Ray
- b. Council Discussion
- c. Informational- No Action Necessary

**4. Council Reports and Staff Communications**

- a. Community Services Commission –
- b. Public Safety Committee –
- c. Chamber of Commerce –
- d. Economic Development –
- e. Finance Committee –
- f. Planning Commission –
- g. City Manager's Report –

**5. Other Business as May Properly Come Before the City Council**

**6. Adjourn Kingsburg City Council Regular Meeting**

Any writings or documents provided to a majority of the Kingsburg City Council regarding any item on the agenda will be made available for public inspection in the City Clerks office located at 1401 Draper Street during normal business hours.

**KINGSBURG CITY COUNCIL  
REGULAR MEETING MINUTES  
MARCH 2, 2016**

Invocation to be given by Tim Boynton of Kingsburg Covenant Church, followed by the Pledge of Allegiance led by Mayor Bruce Blayney.

**6:00 P.M. REGULAR MEETING**

**Call to Order:** Mayor Blayney called the Regular Meeting to Order 6:02pm.

**City Council Members Present:** Council Member Ben Creighton, Council Member Staci Smith, Council Member Sherman Dix, Council Member Michelle Roman and Mayor Bruce Blayney

**Council Members Absent:** None

**City Staff Present:** City Manager Alex Henderson, City Attorney Michael Noland, Police Chief Neil Dadian, Community Service/Senior Coordinator Ashlee Winslow-Schmal and City Clerk Abigail Palsgaard

**Public Comments –**

Ginger Selsor, 6271 Boston, said she is not completely opposed to the outsourcing of dispatch, but was upset it was not given to the public in a timely matter. She believes there should have been public notification in the water bill. Felt article in the paper was misleading about the pros and cons. She said she is worried about radio traffic and officers not getting the call.

**Approve Agenda** –A motion was made by City Council Member Creighton, seconded by City Council Member Dix, to approve the Agenda, as published. The motion carried by unanimous voice vote.

**Consent Calendar** – A motion was made by City Council Member Roman, seconded by City Council Member Smith, to approve the Consent Calendar. The motion carried by unanimous voice vote.

1. **Pulled**
2. **Check Register**– Ratify/approve payment of bills listed on the check register for the period February 11, 2016 through February 24, 2016 as prepared by Accounts Payable Clerk Grace Reyna.
3. **Approve the City Manager Contract Amendment** – Approve the City Manager Contract Amendment.
4. **Police Services Technician** – Approve the job description for the Police Services Technician.
5. **Wage Schedule** - Approve the updated Wage Schedule as prepared by Management Assistant Christina Windover.



6. **Approve the Temporary Water Agreement** – Approve the Temporary Water Agreement as prepared by City Attorney Michael Noland.

**Pulled Consent Calendar Items:**

**Item 1. Approval of City Council Minutes** – Approve the minutes from the special meeting on February 11, 2016 and the regular meeting held on February 17, 2016 as prepared by City Clerk Abigail Palsgaard.

City Clerk Abigail Palsgaard asked that the minutes to be pulled to be approved with corrections to the misspelled word.

A motion was made by City Council Member Creighton, seconded by City Council Member Smith, to approve the minutes from the special meeting on February 11, 2016 and the regular meeting held on February 17, 2016 as prepared by City Clerk Abigail Palsgaard with the corrections. The motion carried by unanimous voice vote.

**REGULAR CALENDAR**

**Commission Funds- Expenditure Request for Swedish Festival Pop Up Skate Park, Dog Park Shade Structure and Painting of the Memorial Park Stage and Restrooms –**

Community Services and Senior Citizens Coordinator Ashlee Winslow-Schmal said the Community Service Commission has been working hard to spend the \$45,000 that they were given at the beginning of the fiscal year. She said they found a pop-up skate park for the Swedish Festival at the price of \$6,758. In that proposal the company will help with advertising, trophies, 2 days of skate park, all the equipment and basically all the footwork. Ms. Winslow-Schmal said they also found a dog park shade structure that includes design, fabrication and installation. She also said that the Commission decided to go with Brian's Classic Colors to paint the band shell. Council Member Creighton asked if the amount was the total or if included money from the Beautification Committee. Ms. Winslow-Schmal said it is the total as of now and once the amount from the Beautification Committee is confirmed that amount will go down.

Mayor Pro Tem Roman said the committee has been working without money for some time and unable to really do anything. She said they started the fiscal year with \$25,000 and then it was upped to \$45,000. While researching a skate park, the dog park became an important part of the community and so that became a priority. She said she thinks it is a great idea to get the word out to try to get land for a skate park. Mayor Pro Tem Roman said she is worried about the commission losing the money if they do not spend it all. Mayor Blayney said they don't have to spend all the money this fiscal year, they will not lose it. He said if any commission has good projects and it is justified, the finance committee can make recommendations accordingly. Mayor Pro Tem Roman said the commission has done a great job listing all the projects. Council Member Dix ask if this pop-up skate park was meant to get interest for private donations. Ms. Winslow-Schmal said yes, they are looking for accessible land that you can skate to. Council Member Dix asked what the plan is after this. Ms. Winslow-Schmal said hopefully this will involve more people and interest and that the commission plans on spending money for more



pop-ups over the summer. Council Member Dix said it is a perfect event and wants to make sure names of interested donors are kept and momentum continues. Mayor Pro Tem Roman said she has found some grants for matching city funds. Ms. Winslow-Schmal said it is important bring families down and have kids be involved at the Swedish Festival. Mayor Blayney said we need to involve other parts of the community, we don't all have Swedish heritage.

Margie Smith said she is worried about if the Kingsburg skate park becomes like the one in Selma. She said she suggests having police officers there to keep it safe and make a presences. Mayor Pro Tem Roman said she agrees and she has been researching about having it lit, gated and specific hours. She said it would be ideal to have a skate park some place close to the police department.

Ginger Selsor, 6271 Boston, said she would like to know if a lease is a possibility. Mayor Pro Tem Roman said she would agree and that they have looked at above ground mobile equipment for contests so kids don't get bored. Maybe sometimes at a church and then move to another church down the road. Ms. Winslow-Schmal said no one under 14 is allowed in the skate park according to state law. Mayor Pro Tem Roman said she thinks it is important to get the shell and bathroom painted and that the community will appreciate it.

A motion was made by City Council Member Roman, seconded by City Council Member Smith, to approve the expenditure requests and direct staff to move forward with these projects. The motion carried by unanimous voice vote.

### **Water Conservation Update**

City Manager Alex Henderson said June 2015 through February 2016, Kingsburg did very good with the average just under 40% which is below the mandated 36%. He said the State continued the conservation mandate with a few adjustments including credits based upon the local climate, which will give Kingsburg an additional 2% credit making 34% the new mandated percentage. He said he recommends keeping the same program that has no fines if we keep it within the state mandated amount. He said we not did meet the standard in February, the conservation was at 32%. The City Manager said he suggests that because the Community did a good job all other months, maybe waive the fines this time. He said people are watering more with the rain letting up and it getting hotter. Council Member Creighton said he is in favor of waiving penalties. He said he does believe we need to push education and that it is easy to become compliant. There was a discussion about the lag time in residential water reads and how it puts landlords in a difficult spot. The City Manager said he will work on finding a solution.

### **Kingsburg Police Department Lobby Hours Discussion –**

Police Chief Neil Dadian said the lobby will be closing from 24/7 and he has presented 4 options for lobby hours. He said the police department will be flexible with hours and that he recommends 8:30-4:00pm, Wednesday 830-7pm and the first Saturday. Council Member Smith asked if people come in the evening. Chief Dadian said a handful. Council Member Creighton asked if there were more in the morning or the evening. Chief Dadian said about the same. Mayor Pro Tem Roman asked how much of this can be online? Chief Dadian said we are trying to get as many forms as possible on the website. Council Member Creighton said we can change the hours down the road.



Council Member Smith asked about RVs out on the weekend and not getting a citation. Chief Dadian said if you get a citation it is because you have been on our radar for a while. Council Member Smith said she spoke with the Chamber and they drop off found items from the Swedish Festival at the Police Department and she wants to make sure that people from out of town can get it back. Chief Dadian said they will keep their customer service.

Lori Mendez asked how many employees work at the police department. Chief Dadian said 13 full time police officers, 10 reserve police officers and 7 civilians.

Ginger Selsor said she would like to know if people can get to the phone out front of the police department without getting out of the vehicle. Chief Dadian said no, it would be the same as getting out of your car to go into the lobby. Mayor Blayney said if you don't feel safe, you can drive somewhere where there are people, like a gas station, and call 911.

Margie Smith said she suggests lobby hours that keep in mind churches on Wednesday and Saturday. She said she suggests later hours for people who work elsewhere, but want to live here.

Conni Delinger suggests Thursdays as the late night because a lots of businesses downtown and the library is open till 8pm on Thursdays.

Sandy Barkowski said her husband gets in after 6:15pm. She said she suggest it is open till 7pm.

City Council decided on police department lobby hours being Monday through Friday 12pm-7pm and the first Saturday of the month from 9am-4pm.

### **Council Reports and Staff Communications**

Community Services Commission – Mayor Pro Tem Roman said that there isn't a meeting scheduled yet and that earlier we just had a report.

Public Safety Committee – Council Member Creighton said there will be a meeting on Tuesday.

Chamber of Commerce – Council Member Smith said they will meet next week.

Economic Development – Mayor Blayney said they will meet next week.

Finance Committee – Mayor Blayney said they will meet on 3/17/2016

Planning Commission – Mayor Blayney said they will meet 3/10/2016 at 6pm

City Manager's Report – City Manager Alex Henderson said that Ashlee Winslow-Schmal has received a Community Garden Grant. He also said Mayor Pro Tem Roman is now a member of the Fresno County Zoo Authority Board. Mayor Pro Tem Roman said the Zoo has doubled in size and has 18 acres of new ground. She said the attendance was 1 million people last year. She stated that

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Jack Hanna came and visited and said it is a world class zoo. She said there is lots of new stuff including the tiger expansion. She also said the Zoo will be broken up by continents.

**Other Business as May Properly Come Before the City Council**

Council Member Dix said citizens have reached out about the rains and weeds. He said he wasn't sure how we are taking care of it. The City Manager said the fire department goes out and gives the property owner a door hanger, if it is not taken care of we send a letter that gives them so many days to take care of the problem. If it is not taken care of they will be fined and if it is still not cleaned up the City will clean it up and bill the property owner. The City Manager said we have handed out over 60 door hangers for residents. Council Member Dix asked who is handing them out. The City Manager said Mike, he has some, the Intern. Council Member Dix asked if there any openings on the Beautification Committee. City Manager Henderson said if someone is interested, the committee meets once a month, they are welcome to attend, and it is a Public meeting.

Council Member Dix said he saw that Farmersville is breaking ground on a sports complex and he would like to see that here. Mayor Blayney said he is hoping we will be eligible for funds from grants because of the completed Housing Element and Marion Villas.

**Adjourn Kingsburg City Council Regular Meeting** Kingsburg City Council Regular Meeting was adjourn at 7:30pm.

Submitted by:

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**Abigail Palsgaard, City Clerk**



**KINGSBURG CITY COUNCIL  
JOINT MEETING WITH THE CHAMBER  
OF COMMERCE BOARD MEMBERS  
MARCH 8, 2016**

**7:00 A.M. JOINT MEETING**

**Call to Order:** Mayor Blayney called the Joint Meeting to Order at 7:01am.

**Council Members Present:** Council Member Ben Creighton, Council Member Staci Smith, Council Member Sherman Dix, Mayor Pro Tem Michelle Roman and Mayor Bruce Blayney.

**Council Members Absent:** None.

**City Staff Present:** City Manager Alex Henderson, City Attorney Michael Noland and City Clerk Abigail Palsgaard.

**Public Comments:** None.

**Approve Agenda :** A motion was made by City Council Member Ben Creighton, seconded by City Council Member Staci Smith, to approve the Agenda, as published. The motion carried by unanimous voice vote.

**REGULAR CALENDAR**

**Council and Chamber Board Members Discussion**

Adam Castaneda, Executive Director of the Kingsburg Chamber of Commerce, presented regarding the history of the Chamber, their mission statement and what membership provides for members. Adam Castaneda said that the Chamber needs more support. He said costs have gone up and he presented the history of payments from the City. He presented that there are 9 main events and all together 35 events they participate with. He said the director's salary rose to \$41,000 due to state law regarding salaried employees and now he has a part time assistant/bookkeeper. He said historically the Chamber has ran at a deficit of \$2,000 a month. He presented the cost of summer band concerts and that the City's contribution has not gone up but the cost has. With new staff, he said he is able to start to work on new projects like a new PA system, Draper Street business lighting, City Map Project, Friday Evenings on Draper event, Wake Up Kingsburg Mixers and a Quarterly Kingsburg Magazine. He also said Kingsburg Independence Day cost is \$30,000; the Chamber gets \$20,000 in donations, \$7,000 in admission fees and at the end they are \$3,000 short. Adam Castaneda said the Chamber could be self-sufficient if he could get \$3,000. Adam Castaneda then showed a slide that shows the city contribution, budget, membership numbers and membership fees for neighboring Chambers.

A Member of the Board said we are still healthy but with the increase with the minimum wage, the future doesn't look as great. He said they are thinking about upping membership fees.

Council Member Dix asked about how the Chamber survives with a monthly deficit. Adam Castaneda said this doesn't included the events, if we make money from the car show it will fill in the deficit. Mayor Pro Tem asked if they have thought about corporate sponsorships that has to do with cars outside of Kingsburg.

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Joint Meeting with the Kingsburg Chamber of Commerce  
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A Member of the Board said in San Luis Obispo PG&E pays for the concert bands, maybe we can we try to do the same thing. Adam Castaneda said he can now reach out to corporate sponsors since he has extra help in the office.

Adam Castaneda said the Chamber is asking for \$15,000 to \$20,000 increase annually for other costs and for the summer band concerts. A Board Member said he wants to show the Council the cost of the summer band concerts each year and present it ever February. Arlie Rogers said we are here to support businesses and that they are looking into increasing membership dues. He said you can see from the office expenses from 2002 to today, they have gone down and that we just can't change wages because they are dictated to us. He stated we are asking for help from the City to help us stay compliant. He said we haven't had an increase from the City in fourteen years. Mayor Pro Tem Roman said the Chamber is doing a great job and she thinks Adam is doing a great job, but if we contribute what you are asking we will be contributing half of the budget. If you look at the other cities it is not even close to being 50% of their budget. She said she is asking the Chamber to look to bigger sponsors for the events, outside of Kingsburg. Adam Castaneda said that reaching out to Bravo Farms, they said the population and reach is too small for them to be a corporate sponsor.

Arlie Rogers said he doesn't know how other cities run their budgets, but ours just shows office expenses not the cost of events. So the budget number might not reflect properly. Council Member Dix said that might be good to find out. He asked that in their goal list to show where the extra money will go. A Member of the Board said if you look at cities like Reedley, Exeter, they have beer gardens, wine tasting on the main street and the Chamber makes a lot of money.

Mayor Blayney asks that the chamber put's their cost accounting in a better format to present to the City Council to justify the money they are asking for. He understands that the band concerts are losing money and the Chamber has done its best with the money they have. Proper procedure is to have the Finance Committee to review it and then move forward. He said it is good timing, it is budget time right now. Mayor Blayney suggested that they bring up the price for certificates of origin. Council Member Dix said that he would want to see how we are going to continue to get people to go to the band concert. He asked if you get this money what will we see as a result. Mayor Blayney asking for detailed information in the future. He said he can use this information at the Finance Committee for initial discussion.

**Other Business as May Properly Come Before the City Council: None.**

**Adjourn Kingsburg City Council Joint Meeting:** Kingsburg City Council Joint Meeting was adjourn at 8:11am.

Submitted by:

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Abigail Palsgaard, City Clerk



**ORDINANCE NO. 2016-001**

**AN ORDINANCE OF THE CITY OF KINGSBURG  
AMENDING CHAPTER 17.56.040 TO TITLE 17 OF THE KINGSBURG  
MUNICIPAL CODE**

**WHEREAS**, on January 14, 2016 and after conducting a duly noticed public hearing, the Kingsburg Planning Commission, after making the findings required by Section 17.88.070 of Title 17 of the Kingsburg Municipal Code, recommended to the Kingsburg City Council approval of amendments to Chapter 17.56.040 of Title 17 of the Kingsburg Municipal Code; and

**WHEREAS**, on February 17, 2016, the Kingsburg City Council held a duly noticed public hearing to consider the recommendation of the Planning Commission to amend Section 17.56.040 of Title 17 of the Kingsburg Municipal Code and received oral and written testimony regarding such amendments; and

**WHEREAS**, this amendment to Section 17.56.040 of Title 17, "Regulation of Signs and Outdoor Advertising" of the Kingsburg Municipal Code by additions, revisions and deletions to clarify certain provisions of said Section and to add a definition and a process to approve temporary signage in the City of Kingsburg; and

**WHEREAS**, this amendment to Section 17.56.040 of Title 17 of the Kingsburg Municipal Code is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guideline Section 15378(b)(5), and is not considered a project, because this amendment to the Kingsburg Municipal Code is a government administrative activity that will not result in direct or indirect physical changes in the environment.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF KINGSBURG  
DOES ORDAIN AS FOLLOWS:**

Section 1: Chapter 17.56.040 of Title 17 of the Kingsburg Municipal Code is amended in its entirety to read as follows:

17.56.040 - Regulation of signs and outdoor advertising.

A. Purposes and Application. In order to maintain and enhance the attractiveness and orderliness of the city's appearance, and to protect the public safety and general welfare, the location, size, height, illumination and maintenance of signs and outdoor advertising

1 structures are regulated as prescribed below. It is the intention of this section to foster the  
2 expansion of the Swedish architectural motif which characterizes the city's commercial  
3 and industrial areas under the provisions of Chapter 17.80 of this title. If provisions of the  
4 City of Kingsburg Form Based Code, adopted on September 16, 2015, conflict with  
5 provisions in this Section 17.56.040, the provisions of this Section 17.56.040 shall prevail.

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7  
8 B. General Provisions and Exceptions.

9 1. Application. The provisions set forth in this section shall be applicable to all signs  
10 permitted by the ordinance codified in this title.

11 2. Computation of Sign Area or Display Surface. For purposes of this section,  
12 measurements for computing the areas of a given sign shall be made as follows.

13 a. For signs comprised of individual letters attached to the business structure,  
14 including module letters and logographic symbols, the effective sign area shall  
15 mean any area(s) enclosed by the minimum imaginary rectangle or parallelogram  
16 of vertical and horizontal lines which fully contains all extremities of each word  
17 and/or logographic symbol of the sign. Each word and/or logographic symbol  
18 shall be measured separately in computing total sign area. Shadow box borders  
19 and other border trims which are an intrinsic part of the building, either  
20 architecturally or structurally, shall not be included in such area computations.

21 b. Where the sign consists of module letters only, and such letters are separated a  
22 minimum distance of one and one-half times the width of the individual module,  
23 the space between such letters shall not be included when computing sign area.

24 c. For single unit signs containing letters or logographic symbols on cabinets or  
25 panels, the effective sign area shall mean the area enclosed by the minimum  
26 imaginary rectangle or parallelogram of vertical and horizontal lines which fully  
27 contains the perimeter of the cabinet or panel sign.

28 d. For projecting signs and free-standing detached signs containing letters and/or  
logographic symbols, the effective sign area means the area enclosed by the  
minimum imaginary rectangle of vertical and horizontal lines which fully  
contains all extremities of the sign, exclusive of its supports and/or ornamental  
and decorative trim on cabinets or support columns.

e. For free-standing and projecting signs intended to be read from both sides along a  
single frontage, both sides of the sign shall be counted in computing the total sign  
area for that frontage.

f. The effective sign area of a ball or sphere shall be seventy-five (75) percent of the  
surface area of the ball or sphere.

3. Projection and Height.

a. No sign shall project more than fourteen (14) inches beyond the property line,  
except that a free standing sign shall not extend beyond the property line. The  
minimum height clearance for any free-standing sign, projecting building sign or  
sign located on a building marquee shall be not less than eight feet as measured  
from ground level to the lowest portion of the sign display area.

b. No sign other than a directional sign shall project more than twelve (12) inches  
into a required rear yard or interior side yard.



- 1 c. In an RCO, UR, RA, R, RM or PO district, a sign attached to a building shall not  
2 project above the parapet or roof line, whichever is higher.
- 3 4. Number of Free-Standing Signs. Not more than one free-standing on-premise sign, or  
4 free-standing outdoor advertising structure, may be located on each parcel of property  
5 within a zoning district in which a free-standing sign or free-standing outdoor  
6 advertising structure is permitted.
- 7 5. Traffic Hazards.
- 8 a. No sign or outdoor advertising structure shall be placed within thirty (30) feet of  
9 the intersecting curb lines of a street intersection, unless placed on a single pole  
10 with a ground clearance of at least ten (10) feet, or unless placed so that the top of  
11 the sign and its supporting structure is a maximum of two and one-half feet above  
12 the ground.
- 13 b. No red, green or amber lights or illuminated signs or outdoor advertising  
14 structures illuminated by or including flashing lights, shall be placed in such  
15 position that they reasonably could be expected to interfere with or be confused  
16 with any official traffic control device, traffic signal or official directional guide  
17 sign.
- 18 6. Movement. A moving sign shall be permitted only in C or I districts, provided that  
19 movement shall be slow (not to exceed ten (10) r.p.m.) and shall not simulate effects  
20 obtained by varying the intensity, color, pattern or illumination.
- 21 7. Utility Lines and Easements. No sign or outdoor advertising structure shall be located  
22 within a utility easement, or erected or located in a manner which will reduce the  
23 vertical or horizontal clearance from communication lines or energized electric power  
24 lines as required by laws, rules and regulations of the State of California and agencies  
25 thereof.
- 26 8. Special Signs—Exceptions. The following types of signs shall be exempt from the  
27 provisions of this Section 17.56.040:
- 28 a. Temporary Signs: Signs of a temporary or transitory nature and constructed and  
erected in a non-permanent manner.
- i. Signs used to announce an upcoming event or sale, such as a fundraising  
event, school or community event, grand opening or holiday sale subject  
to the issuance of a Temporary Sign Permit;
- ii. Signs used exclusively for the posting or display of official notices by a  
public agency or official, or by a person giving legal notice;
- iii. Signs erected or maintained by a public agency or official or required by  
law to be displayed by a public utility for directional, warning or  
informational purposes;
- iv. Signs announcing garage or yard sales, which shall be removed  
immediately after the completion of the sale.
- v. Unless otherwise specified in the applicable Temporary Sign Permit, all  
temporary signs shall be removed by the applicant, agency, entity, group  
or individual responsible for their placement within thirty (30) days  
after the date of the sign's original erection, or when the sign  
becomes damaged or is no longer legible, whichever first occurs.

- b. Signs or displays of patriotic or religious nature erected upon residential property and non-illuminated, non-verbal religious symbols erected upon residential property.
9. Special Signs—Prohibition. Animated signs, the movement of which is simulated by variations in the intensity, color, pattern or illumination of the sign, and flashing signs, shall be prohibited in all districts, subject to the following exceptions:
  - a. A sign changing so as to show time and/or temperature.
  - b. An on-premise barber pole.
10. Area Identification Signs. Area identification signs intended to identify a neighborhood, subdivisions, shopping or industrial district, complex or other area composed of multiple ownerships, shall be limited to a maximum single surface area of twenty-five (25) square feet, and total sign area not exceeding fifty (50) square feet.
11. Outdoor Advertising Signs. Outdoor advertising signs are signs having part or all of their area devoted to directing attention to a business, profession, commodity, product or service that is not the primary business, profession, commodity, product or service sold, manufactured, conducted or offered on the site on which the sign is located, and shall be subject to the following conditions:
  - a. Outdoor advertising signs shall not be permitted in the RCO, UR, RA, R, RM, PO, IP or C districts.
  - b. The maximum single surface area per site of an outdoor advertising structure in the I district shall be five hundred (500) square feet; the maximum aggregate area per site of outdoor advertising signs in the district shall be one thousand (1,000) square feet. No outdoor advertising signs shall be placed within one thousand (1,000) feet of another such sign on the same side of a street or highway.
  - c. Signs in the RCO, UR, RA, R, RM and PO districts. No sign of any character shall be permitted in the RCO, UR, RA, R, RM or PO districts, except as follows:
    1. One name plate, not directly illuminated, with a maximum of two square feet in area (e.g., dimensions of 1' × 2'), containing the name or names of occupants of a residence or office.
    2. One identification sign, not directly illuminated, located flat against a wall and not projecting above the roof line, with a single surface area of not more than sixteen (16) square feet pertaining to a permitted or conditional use conducted on the site.
    3. One non-illuminated sign, with a single surface area of not more than eight square feet, pertaining to the sale, lease, rental or display of a structure or site.
    4. Non-illuminated directional signs, with a single surface area of not more than six square feet, pertaining to vehicular or pedestrian traffic directions and located along a driveway or within a parking lot. Arrows painted on pavement are not included in this regulation.
    5. One bulletin board, not directly illuminated, with a single surface area of not more than twenty (20) square feet, located on the site of a church, school, auditorium or other similar place of public assembly.



6. One non-illuminated temporary construction sign, with a single surface area of not more than sixteen (16) square feet, on the site of a construction project, which shall be removed at the owner's expense at the time of project completion.
7. One temporary subdivision sales sign, not directly illuminated, with a single surface area of not more than thirty-two (32) square feet, on the site of a residential subdivision.

D. Regulation of Signs Within the C districts.

1. Purposes and Application. The purpose of sign regulation within the C districts is to avoid unsightly, inharmonious, competing, cluttered and hazardous location and appearance of signs, and to encourage the replacement of existing non-conforming signs. Sign regulations of this section shall apply to any permitted or conditional use listed within a C district.
2. Maximum Total Aggregate Area in the CC district .
  - a. Primary Frontage. An allowable minimum sign area of up to fifty (50) square feet shall be permitted for each primary building frontage (portion of building occupied by the business and facing a street), regardless of the width of such primary building frontage. A maximum total sign area, not to exceed three hundred fifty (350) square feet, shall be permitted for each primary building frontage based on two square feet of sign area for each lineal foot of primary building frontage occupied by the business.
  - b. Secondary Frontage. An allowable minimum sign area of up to thirty-five (35) square feet shall be permitted for each secondary building frontage (portion of building occupied by the business and facing an alley, an adjacent building, parking lot, or the like), regardless of the width of such secondary frontage. A maximum total sign area, not to exceed two hundred (200) square feet, shall be permitted for each secondary frontage based on one square foot of secondary building frontage occupied by the business.
3. Maximum Total Aggregate Area in the CS and CH districts.
  - a. Primary Frontage. An allowable minimum sign area of up to one hundred (100) square feet shall be permitted for each primary business frontage along a street, regardless of the width of such primary business frontage. A maximum total sign area, not to exceed five hundred (500) square feet, shall be permitted for each primary building frontage based on two square feet of sign area for each lineal foot of primary business frontage occupied by the business.
  - b. Secondary Frontage. An allowable minimum sign area of up to fifty (50) square feet shall be permitted for each secondary business frontage, regardless of the width of such secondary frontage occupied by the business. A maximum total sign area, not to exceed two hundred (200) square feet shall be permitted for each secondary business frontage based on two square feet of sign area for each lineal foot of secondary business frontage occupied by the business.
4. Directional Signs. Directional signs for off-street parking and off-street loading facilities shall not exceed six square feet for each sign; parking lot identification signs shall not exceed six square feet per face of sign.



- 1       5. Sale, Lease & Rental Signs. Signs pertaining to the sale, lease, rental, or display of a  
2       structure or land shall not exceed thirty-two (32) square feet per single face of sign.
- 3       6. Projecting Signs. No sign, other than a directional sign, shall project more than  
4       twenty-four (24) inches into a required rear yard or required interior side yard. No  
5       sign, other than a sign required by law or a marquee sign, shall project more than  
6       fourteen (14) inches into a public right-of-way.
- 7       7. Signs Attached to Buildings. Signs attached to buildings shall be installed parallel  
8       with the building, with no more than a fourteen (14) inch projection from the wall  
9       except where permitted under Subsection D.8., below and/or attached directly to the  
10      vertical or sloped face of the marquee.
- 11     8. Marquee or Canopy Signs. Signs attached below the marquee or canopy shall not  
12      exceed six square feet per face of sign and shall have a minimum ground clearance of  
13      eight feet above the sidewalk grade in order not to impede or interfere with pedestrian  
14      traffic and safety. Where the marquee or canopy is attached at an angle from a  
15      building, signs may be affixed to the sloped portion above the horizontal extension of  
16      the marquee or canopy as an integral part of the facade.
- 17     9. Painted Wall Signs. Within each of the C districts, signs painted upon a wall exterior  
18      surface shall be included when computing the allowable sign area.
- 19     10. Freestanding Signs.
  - 20       a. New freestanding signs shall have a permanently landscaped area at their bases,  
21       and shall be maintained with live plant materials around the base of such signs  
22       equal to at least ten (10) percent of the total sign area, and with a minimum  
23       landscaped area of ten (10) square feet.
  - 24       b. Freestanding area identification signs displaying the name and/or logographic  
25       symbol of a shopping center and/or the names of other groupings of businesses,  
26       offices, services, or combinations thereof, shall not exceed a total sign area of  
27       three hundred fifty (350) square feet.
  - 28       c. No more than one freestanding sign shall be permitted for a single business or for  
29       a grouping of businesses on a single site, except that an additional freestanding  
30       sign shall be permitted for a grouping of ten (10) or more businesses on a single  
31       site, and one freeway oriented sign may be located on a site in the CH district,  
32       subject to site plan review, not exceeding an aggregate area of three hundred  
33       (300) square feet or a height of ninety (90) feet.
- 34     11. Announcement and Bulletin Boards. Announcement and bulletin boards or structures  
35      for any public, philanthropic, civic, religious, or charitable organization or agency,  
36      non-illuminated or illuminated by indirect lighting only, may not exceed thirty-two  
37      (32) square feet in area in any district when appurtenant to the premises on which they  
38      are located.
- 39     12. Public Service Signs. Electronic public service signs displaying such information as  
40      time of day, temperature, or events of community interest, with the purpose of  
41      augmenting on-premise identification shall be permitted. The area of such signs shall  
42      be included when computing the total sign area of a business or site.
- 43     13. Portable Signs. Portable signs, including, but not limited to, sandwich board, "A"  
44      board, movable free-standing, tire stack, and wind signs, shall be prohibited, with the



exception of those signs allowed by approval of the Planning Director pursuant to City of Kingsburg Downtown Form Based Code, §17.42.122.

14. Public Utility Signs. Non-advertising signs of public utility companies shall be permitted as required in their operation, providing service for the health, safety, and welfare of the general public, including, but not limited to, the following: informational signs for public telephone facilities or marking the location of underground facilities, directional signs for public utility services, signs notifying the public of "danger", "emergency", "construction", and similar conditions. No sign or other item shall be attached to private utility company poles and/or light standards or supports without prior written approval from the utility company to which such poles belong.
15. Sight Distance at Intersections. No sign permitted by this section shall be placed within thirty (30) feet of a street intersection (intersecting curb lines) unless placed so that the top of the sign is at a maximum of two and one-half feet above the ground or unless the bottom of the sign is a minimum of ten (10) feet above the ground level.
16. Height of Signs. Except for freeway oriented free-standing signs in the CH district, the height of signs within the C districts shall not exceed the height of the structure which houses the business being advertised, and in no case shall any sign exceed the height limitations of the district in which it is located.
17. Signs Expressly Prohibited.
  - a. No red, green, or amber light or illuminated sign may be placed in such a position that it could reasonably be expected to interfere with, or be confused with, any official traffic control device, traffic signal, or official directional guide sign.
  - b. Outdoor advertising structures shall not be permitted.
  - c. Glaring, flashing, and scintillating signs shall not be permitted.
  - d. Open letter signs which may be viewed from the reverse shall not be permitted.
  - e. Canvas, plastic, cloth, paper, or other types of banners or streamers suspended across public or private property, buildings, or structures shall not be permitted, except temporary banners which extend over or across a street announcing civic events such as parades, homecomings, festivals and publicly or privately sponsored promotional events as may be approved by the city council.
18. Brand Name Advertising. Up to thirty (30) percent of the signing allowance for any frontage may be devoted to the advertising or identification of an individual brand or brands of products. This provision shall not apply to the identification of one primary brand name identifying a service station.
19. Design of Signs. All signs shall be designed in scale and harmony with the architectural design of the buildings and uses they are intended to relate to or identify.
20. Alteration and Removal. Achieving the alteration or removal of dangerous, obsolete and nonconforming signs is a major policy of this section. To this end, certain signs are hereby declared to be dangerous, obsolete, or nonconforming, and shall be removed or altered to conform as follows:
  - a. A dangerous sign is hereby defined as any sign which is an immediate peril or a potential menace to the safety of persons or property. The building inspector shall give a written order for the repair or removal of any unsafe or dangerous sign to



1 the owner of the real property upon which such sign is located. If such owner  
2 shall fail to remove or repair such sign or advertising structure, within six months  
3 of notification by the building inspector, the building inspector may cause the  
4 removal of such sign and may enter upon such property for such purpose. Any  
5 cost accrued by the city in the removal of such sign shall be charged to the owner  
6 of the real property upon which such sign is located and added to the real taxes  
7 thereon for the ensuing tax year or be collected in civil action at the option of the  
8 city.

9 b. Any sign hereafter existing which no longer advertises a bona fide business  
10 conducted or product sold on the premises where such sign exists shall be  
11 removed or made to conform by the owner of the building, structure, or property  
12 upon which such sign is located within ninety (90) days after written notification  
13 by the building inspector, or the building inspector may cause the removal of such  
14 sign. Any cost accrued by the city shall be treated in the same manner as  
15 provided, above, for dangerous or unsafe signs.

16 c. Signs which are non-conforming because of their lighting, movement or  
17 animation shall be made to conform or be removed within one hundred twenty  
18 (120) days after written notification by the building inspector.

19 21. Appeals Procedure. If, because of any ambiguity, inadvertent omission, or error, the  
20 interpretation of the provisions and/or intent of this section by the building official is  
21 disputed, the applicant or any aggrieved person may appeal, in writing, setting forth  
22 reasons for such appeal to the planning commission. The appeal shall be filed with the  
23 planning commission within fifteen (15) days after an adverse decision of the building  
24 official. The appeal shall be placed on the regular meeting agenda of the commission  
25 at the first opportunity.

26 The commission shall review the sign proposal and shall approve, approve with  
27 conditions, or disapprove it, based on the findings set forth in Section 17.84.060 A. of  
28 this code.

29 E. Regulation of Signs. Within the I districts. No sign, outdoor advertising structure or  
30 display of any character shall be permitted in the I districts, except as follows:

- 31 1. Outdoor advertising signs in accordance with the district limitations and standards  
32 prescribed in Section 17.56.040 B.11.
- 33 2. The maximum permissible area of all faces of all permanent and temporary signs  
34 pertaining to a permitted use or conditional use, excluding outdoor advertising signs,  
35 directional signs and signs identifying products within a window display area, shall be  
36 as follows: one square foot of sign area per lineal foot of property line adjoining a  
37 street, or one hundred (100) square feet per acre of site area in use, whichever is  
38 greater, to a maximum of sixty (60) square feet of sign area.
- 39 3. Temporary signs shall be permitted in all I districts, provided that their combined area  
40 shall not exceed fifty (50) square feet.
- 41 4. One non-illuminated sign, not exceeding a single surface areas of sixteen (16) square  
42 feet, pertaining to the sale, lease, rental or display of a structure or site.
- 43 5. Non-illuminated directional signs along driveways or within parking lots, not  
44 exceeding a single surface area of six square feet, pertaining to vehicular and  
45 pedestrian traffic direction.



6. One bulletin board not directly illuminated, not exceeding a single surface area of twenty (20) square feet located on the site of a place of public assembly.
7. One non-illuminated temporary construction sign, not exceeding a single surface area of thirty-two (32) square feet, on the site of a construction project, to be removed at the owner's expense at the time of project completion.

F. Political Signs

1. No person except a duly authorized public official shall erect any sign, outdoor advertising structure or display of any character upon any public property other than a public right-of-way and no such sign, outdoor advertising structure or display shall be erected or maintained within any city street right-of-way without first obtaining written approval from the City. .
2. No political signs are permitted within the city street right-of-way.
3. No political signs shall be erected prior to sixty (60) days before the date of the election to which they pertain.
4. Each candidate or person/group named on such political sign shall be responsible for the removal of all such signs within six (6) days after the polls close. After that date, the cost of removal of any sign shall be assessed to the candidate or person/group named on the sign.

Political Signs shall not require a Temporary Sign Permit, but shall be subject to the requirements in this section (F).

G. Non-conforming Signs and Outdoor Advertising Structures. Non-conforming signs and non-conforming outdoor advertising structures shall be subject to the regulations prescribed in Chapter 17.60.

H. Abandoned and Dilapidated Signs. No person shall maintain or permit to be maintained on any premises owned or controlled by him, any sign which has been abandoned or which is physically dilapidated. Any such sign shall be promptly removed by the owner or such other person. Any sign which is located on property which becomes vacant and unoccupied for a period of six months or more, or any sign which was erected for an occupant or business unrelated to the present occupant or his/her business, or any sign which pertains to a time, event or purpose which no longer is applied, shall be presumed to have been abandoned. Where the owner or other person responsible for maintaining an abandoned or dilapidated sign fails to remove the sign in conformance with these provisions, the city shall cause the sign to be removed and shall assess the owner or other person responsible at a rate established by resolution of the city council to cover the costs of such removal.

I. Authority to Modify Sign Regulations. Notwithstanding other provisions of this chapter, the planning commission has the authority to modify or adjust regulations of this chapter in order to prevent or lessen practical difficulties or unnecessary physical hardships inconsistent with the objectives of the zoning ordinance codified in this title and the purpose of this section as would result from a strict or literal interpretation and enforcement of certain of the regulations of this title.

Section 2: The City Clerk is hereby directed to cause a summary of this ordinance to be published by one insertion in the newspaper of general circulation in the City of Kingsburg within fifteen (15) days of its adoption.

Section 3: This ordinance shall take effect and be in full force thirty (30) days from and after its adoption.

**PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Kingsburg duly called and held on the 16<sup>th</sup> day of March, 2016, by the following vote:

AYES: Councilmember \_\_\_\_\_

NOES: Councilmember \_\_\_\_\_

ABSTAIN: Councilmember \_\_\_\_\_

ABSENT: Councilmember \_\_\_\_\_

APPROVED \_\_\_\_\_

**Bruce Blayney, Mayor**

ATTEST: \_\_\_\_\_

City Clerk



1 STATE OF CALIFORNIA )  
2 COUNTY OF FRESNO )  
3 CITY OF KINGSBURG )

4 I, ABIGAIL PALSGAARD, City Clerk of the City of Kingsburg do hereby certify that  
5 the foregoing ordinance was introduced at a regular meeting of the Kingsburg City Council  
6 held on the 17<sup>th</sup> day of February, 2016, and was adopted at a regular meeting of said Council  
7 held on the 16<sup>th</sup> day of March, 2016, by the following vote:

8  
9 Abigail Palsgaard, City Clerk

10  
11 (Ord. 92-11 § 1 (part), 1992: Ord. 408 (part), 1982)  
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**ORDINANCE NO. 2016-002**

**AN ORDINANCE OF THE CITY OF KINGSBURG  
AMENDING TITLE 15 OF THE KINGSBURG MUNICIPAL CODE  
PERTAINING TO CAPITAL FACILITIES FEES/DEVELOPMENT IMPACT FEES**

The City Council of the City of Kingsburg does hereby ordain as follows:

**Section 1.** Section 15.48.010 of Title 15 of the Kingsburg Municipal code is hereby amended in its entirety as follows:

**“15.48.010 Title.**

The ordinance codified in this chapter shall be known and may be cited as “The City of Kingsburg Capital Facilities Fees/ Development Impact Fees Ordinance.” This Chapter is adopted under and pursuant to the provisions of, but no limited to, Chapter 5 (commencing with Section 6600 et. seq. of Division 1 of Title 7 of the California Government Code.”

**Section 2.** Section 15.48.020 of Chapter 15.48 of Title 15 of the Kingsburg Municipal code is hereby amended in its entirety as follows:

**“15.48.020 Findings, conclusions and interpretation.**

1. The city council of the city has received, reviewed, considered and found to be true and correct the findings and conclusions of the “Development Impact Fee Justification Study” addressed to the city, prepared by David Taussig & Associates dated January 27, 2016 (“**2016 study**”). The 2016 study sets forth certain capital and public facilities needs of the city as identified in the 2016 study and Section 15.48.030, A-E, inclusive, which will be generated by new development. The city council of the city has received, reviewed, considered and found to be true and correct the findings and conclusions of the City of Kingsburg Fee Study Report addressed to the city prepared by Peters Engineering Group dated November, 2005 (“**2005 study**”). The 2005 study identifies certain storm drainage facilities needs of the city generated by new development. This ordinance hereby incorporates the 2016 study, the provisions dealing with storm drainage facilities in the 2005 study for all purposes by this reference as if the same was set forth fully in this chapter, including, but not limited to, assistance in interpreting, applying, construing and/or deciding any questions regarding this chapter. The 2016 study and the 2005 study addressing storm drainage facilities are collectively referred to in this chapter as the “study”. The city’s General Plan envisions future residential and non-residential development in many areas within the city. New residential and non-residential development will generate additional residents



1 and employees who will require additional public facilities provided by the  
2 city. The adoption of this ordinance is statutorily exempt from the California  
3 Environmental Quality Act (CEQA) and the CEQA Guidelines under Section  
4 15273(a), including Section 15273(a)(4).”

5 **Section 3.** Section 15.48.030 of Chapter 15.48 of Title 15 of the Kingsburg  
6 Municipal code is hereby amended in its entirety as follows:

7 **“15.48.030 Purposes.**

8 The purposes of the Capital Facilities Fees/Development Impact Fees (sometimes  
9 in this Chapter collectively referred to as “Fees”) adopted herein are to provide for  
10 the capital facilities identified below as follows:

11 A. Provision of Traffic Facilities necessary to provide safe and efficient  
12 vehicular access throughout the city including new road construction and  
13 equipment as identified in the study.

14 B. Provision of Public Safety Facilities required within the City to maintain  
15 adequate public safety services, including building expansion and equipment and  
16 vehicle replacement for police and fire as identified in the study.

17 C. Provision of General Government Facilities including library facilities and  
18 other facilities used by the city to provide general governmental services as  
19 identified in the study.

20 D. Provision of Parks and Recreation Facilities including: (i) acquisition of  
21 parkland and recreational areas needed for park and recreational facilities; and (ii)  
22 construction of park and recreational facilities, including sports fields, ball fields,  
23 soccer fields, trails, restrooms and park beautification as identified in the study.

24 E. Provision of Water Facilities used by the city to provide basic water supply  
25 and distribution services as identified in the study.

26 F. Provision of Storm Drain Facilities to provide basic storm drainage and  
27 distribution services as identified in the 2005 study.”

28 **Section 4.** 15.48.040 of Chapter 15.48 of Title 15 of the Kingsburg Municipal code  
is hereby amended in its entirety as follows:

**“15.48.040 Reasonable Relationship**

1. A reasonable relationship exists between the need for city public facilities  
and the type of development projects on which the Capital Facilities Fees/  
Development Impact Fees are imposed as indicated by the study. Capital

1 Facilities/Development Impact Fees collected from each new development will  
2 generate revenue, which is necessary to offset development's impacts to the city's  
3 public facilities.

4 2. A reasonable relationship exists between the use of Capital Facilities  
5 Fees/Development Impact Fees and the type of development project on which the  
6 fee is imposed as indicated by the study. Capital Facilities Fees/ Development  
7 Impact Fees collected will be used for the acquisition, installation, and  
8 construction of the public facilities identified on the needs list contained in study.

9 3. A reasonable relationship exists between the amount of the Capital  
10 Facilities Fee/Development Impact Fee and the cost of the public facilities  
11 attributable to the development on which the fee is imposed as indicated by the  
12 study. The method of allocation of the respective fees to a particular development  
13 project bears a fair relationship, and is roughly proportional to, the development  
14 project's burden on, and benefits from, public facilities to be funded by the  
15 Capital Facilities Fees/Development Impact Fees.

16 4. The Capital Facilities Fees/Development Impact Fees collected will be  
17 placed in an individual interest bearing account established for the purpose of  
18 tracking the fee revenue and expenses separately as identified in Section  
19 15.48.050."

20 **Section 5.** Section 15.48.050 of Chapter 15.48 of Title 15 of the Kingsburg  
21 Municipal code is hereby amended in its entirety as follows:

22 **"15.48.050 Deposit of Fees in Trust Fund.**

23 Each component of the Capital Facilities Fees/Development Impact Fees received  
24 by the city shall be deposited into separate trust funds in a manner to avoid any  
25 co-mingling of the fees with other revenues and funds of the city, except for  
26 temporary investments, and expended solely for the purposes for which the Fees  
27 were collected. Any interest income earned by monies in any such trust fund shall  
28 also be deposited into such trust fund and shall be expended only for the purpose  
for which the Fee was originally collected."

**Section 6.** Section 15.48.060 of Chapter 15.48 of Title 15 of the Kingsburg  
Municipal code is hereby amended in its entirety as follows

**"15.48.060 Adoption of Study**

After review and public hearing, the city council of the city hereby adopts the  
2016 study and readopts the 2005 study regarding storm drainage facilities."

**Section 7.** Section 15.48.070 of Chapter 15.48 of Title 15 of the Kingsburg  
Municipal code is hereby amended in its entirety as follows:



**“15.48.070 Application**

Capital Facilities Fees/Development Impact Fees identified in this Chapter shall be effective June 1, 2016. The Capital Facilities Fees/Development Impact Fees are due and payable at the time of issuance of building permits.

1. Capital Facilities Fees/Development Impact Fees shall be charged on applicable new structures or expanded square footage of existing structures.

2. Capital Facilities Fees/Development Impact Fees shall be calculated at the time of issuance of the building permit for a structure that is triggering their collection and shall be collected prior to the final inspection of said structure.

3. Capital Facilities Fees/Development Impact Fees shall be calculated based on the structure's use, with a best fit into one of the applicable land use type fee categories identified in the study and in instances where a unique use is presented, the City's Community Development Director/Consultant will determine which land use category is most appropriate.

4. Capital Facilities Fees/Development Impact Fees collected on a one family residential structures described in this Code shall be based on the applicable amount described in this Chapter.

5. Capital Facilities Fees/Development Impact Fees collected on each multi-family residential structures described in this Code shall be based on the applicable amount described in this Chapter.

6. Capital Facilities Fees/Development Impact Fees collected on structures determined to fall within the commercial zone district described in this Code shall be based on the applicable amount per square foot described in this Chapter multiplied by the new enclosed square footage of the structure.

7. Capital Facilities Fees/Development Impact Fees collected on structures determined to fall within the professional office zone district described in this Code shall be based on the applicable amount per square foot described in this Chapter multiplied by the new enclosed square footage of the structure.

8. Capital Facilities Fees/Development Impact Fees collected on structures determined to fall within the industrial zone district described in this Chapter shall be based on the applicable amount per square foot described in this Chapter multiplied by the new enclosed square footage of structure.

9. Capital Facilities Fees/Development Impact Fees shall not be collected on structures accessory to, as determined by the Community Development Director/Consultant, a legally established one family residential structure or multi-family residential structure.

1           10. Development Impact Fees shall not be collected on accessory buildings, to  
2           a legally established use and as determined by the Community Development  
3           Director/Consultant that are not intended for occupancy or storage such as  
4           structures housing utilities.”

5           **Section 8.** Section 15.48.080 of Chapter 15.48 of Title 15 of the Kingsburg  
6           Municipal code is hereby amended in its entirety as follows:

7                     **“15.48.080 Prior Approvals.**

8           Notwithstanding any other provision of this chapter, the Fees shall also be applied  
9           and collected to the maximum extent allowed by this chapter and applicable law  
10          to any prior approvals, entitlements, and discretionary and ministerial permits  
11          issued by the city (or by an officer, agent, employee or official thereof) prior to the  
12          effective date of the ordinance codified in this chapter or in accordance with the  
13          previous agreements or conditions of approvals, entitlements or permits of any  
14          kind obligating parties and/or developments, and/or their successors, to pay such  
15          fees when adopted, even though such adoption has occurred subsequent to the  
16          issuance of such approval, entitlement or permit.”

17          **Section 9.** Section 15.48.090 of Chapter 15.48 of Title 15 of the Kingsburg  
18          Municipal code is hereby amended in its entirety as follows:

19                     **“15.48.090 Payment – Deferred.**

20          An applicant for a multi-family residential housing project consisting of four or  
21          more units (“multi-family project”) may request that the payment of the applicable  
22          Capital Facilities Fees/Development Impact Fees be deferred: (i) for a period of  
23          three years from the date of issuance of the certificate of occupancy for the multi-  
24          family project if the multi-family project is a market rental rate project; or (ii) for  
25          a period of five years from the date of issuance of the certificate of occupancy for  
26          the multi-family project if the multi-family project is a very low income, low  
27          income or moderate income multi-family project as those terms are defined in the  
28          California Health and Safety Code or other applicable laws, rules, ordinances or  
29          regulations.

30          Any request for deferral of the payment of the Capital Facilities  
31          Fees/Development Impact Fees shall be made pursuant to an application provided  
32          by the city and submitted at the time of application for site plan review or any  
33          other land use entitlement that is required in order to construct the multi-family  
34          project. If the information set forth on the application satisfies the requirements  
35          of this section for the deferral of the payment of the Capital Facilities  
36          Fees/Development Impact Fees, the applicant and the owner of the real property  
37          upon which the multi-family project will be constructed shall execute an



1 agreement in a form prepared by the city wherein the applicant and the owner of  
2 the real property upon which the multi-family project will be constructed agree to  
3 pay the applicable Capital Facilities Fees/Development Impact Fees on a date  
4 certain as identified in the agreement ("deferral agreement"). The deferral  
5 agreement will be processed and recorded against title to the real property upon  
6 which the multi-family project will be constructed in accordance with California  
7 Government Code Section 66007(c) as amended from time to time.

8 If the applicant and/or the owner of the real property upon which the multi-family  
9 project is to be constructed are business entities as opposed to individuals, the  
10 owners of each business entity must execute a guaranty agreement in a form  
11 prepared by the city ("guaranty agreement") wherein each individual will guaranty  
12 the applicant's and real property owner's performance under the deferral  
13 agreement, including without limitation, the payment of the Capital Facilities  
14 Fees/Development Impact Fees should the Capital Facilities Fees/Development  
15 Impact Fees not be paid by the applicant and/or the owner of the real property  
16 upon which the multi-family project is to be constructed on the payment date set  
17 forth in the deferral agreement.

18 At the time of execution of the deferral agreement and guaranty, the applicant  
19 shall pay the city an administrative fee in the amount of one thousand dollars  
20 (\$1,000.00). The purpose of the administrative fee is to reimburse to city the costs  
21 of document preparation and costs of administration of the deferral."

22 **Section 10.** Section 15.48.100 of Chapter 15.48 of Title 15 of the Kingsburg

23 Municipal code is hereby amended in its entirety as follows:

24 **"15.48.100 Other fees – Conditions.**

25 Nothing in this chapter otherwise affects, modifies, removes or repeals any other  
26 fees, assessments, costs or other conditions or entitlements, heretofore or hereafter  
27 otherwise required or imposed by any other duly adopted action of the city."

28 **Section 11.** Section 15.48.110 of Chapter 15.48 of Title 15 of the Kingsburg

Municipal code is hereby amended in its entirety as follows:

**"15.48.110 No Duplication.**

Any structure for which the Capital Facilities Fees/Development Impact Fees are  
paid in accordance with this chapter and the study, which is subsequently required  
to be repaired, restored or rebuilt as a result of partial or complete damage or  
destruction by fire, earthquake, other natural disaster, or act of God, and which is  
not thereby increased in gross area above the gross area existing on the effective  
date hereof, shall not be required to pay the Capital Facilities Fees/Development  
Impact Fees upon being rebuilt."

1           **Section 12.** Section 15.48.120 of Chapter 15.48 of Title 15 of the Kingsburg  
2 Municipal code is hereby amended in its entirety as follows:  
3

4           **“15.48.120 Exempt structures.**

5 Any structure in existence on the effective date hereof for which the Capital  
6 Facilities Fees/Development Impact Fees are not paid or payable in accordance  
7 with this chapter and the study, which is subsequently required to be repaired,  
8 restored or rebuilt as a result of partial or complete damage or destruction by fire,  
earthquake, or act of God, and which is not thereby increased in gross area above  
the gross area existing on the effective date hereof, shall also not be required to of  
Capital Facilities Fees/Development Impact Fees upon being rebuilt.”

9           **Section 13.** Section 15.48.130 of Chapter 15.48 of Title 15 of the Kingsburg  
10 Municipal code is hereby amended in its entirety as follows:  
11

12           **“15.48.130 Increased space.**

13 Regardless of cause, any expansion, enlargement or increase of any kind of any  
14 structure shall be charged and responsible for payment Capital Facilities  
Fees/Development Impact Fees in accordance with this chapter and the study.”

15           **Section 14.** Section 15.48.150 is hereby added to Chapter 15.48 of Title 15 of the  
16 Kingsburg Municipal code is hereby amended in its entirety as follows:

17           **“15.48.150 Protests.**

18 a) Any party may protest the imposition of Capital Facilities Fees/Development  
19 Impart Fees covered by this chapter by meeting both of the following  
requirements:

- 20           1. Tendering the Capital Facilities Fees/Development Impact Fee  
21 payment, as determined by the Community Development  
Director/Consultant in full.
- 22           2. Serving written notice on the Community Development  
Director/Consultant.
  - 23           a. A statement that the required payment is tendered under  
24 protest.
  - 25           b. A statement informing the city of the factual elements of  
dispute and the legal theory or theories forming the basis  
for the protest.

26 b) A protest filed in accordance with this section shall be filed within 10 days  
27 after the date the building permit was issued that resulted in the imposition of the  
28 Fee. The hearing before the city council shall be set by the City Clerk within 30  
days after submission of the notice of protest and the hearing at the city council



1 meeting closest to the expiration of said 30 day period. At the hearing, oral and  
2 written evidence may be presented. The City Council shall issue a written decision  
3 on the appeal or protest no later than 30 days after the hearing before the city  
4 council. The written decision of the city council shall be a final administrative  
5 decision.”

6 **Section 15.** Section 15.48.140 of Chapter 15.48 of Title 15 of the Kingsburg  
7 Municipal code is hereby amended in its entirety as follows:

8 **“15.48.140 Administration.**

9 a) Administrative Fee. The Community Development Director/Consultant shall  
10 be responsible for administration of the Capital Facilities Fees/Development  
11 Impact Fee, including the calculation and collection of the fees, tracking of  
12 deposits, and preparation of required reports. As such, the Office of the  
13 Community Development Department will retain the 3.00% administrative cost  
14 portion of the Fee described in the study for these purposes.

15 b) Annual Adjustment. An annual adjustment to account for cost escalations  
16 shall be applied to all Capital Facilities Fees/Development Impact Fees in this  
17 Chapter in the manner and time specified herein:

- 18 1. Prior to the end of each fiscal year, the Community Development  
19 Director/Consultant shall report to the city council his or her findings on  
20 the annual escalation for the prior twelve (12) months through May and  
21 the Capital Facilities Fees/Development Impact Fees shall be adjusted  
22 accordingly.
- 23 2. The basis for this annual adjustment shall be the percentage increase in the  
24 San Francisco Urban Consumer Price Index. The base month for  
25 application of this adjustment shall be February 2016 and the adjustment  
26 shall be applied to the Capital Facilities Fees/Development Impact Fees in  
27 effect on July 1<sup>st</sup> of each fiscal year.
- 28 3. The city council shall cause to be posted in the Community Development  
Department the annual adjustment in Fees as specified in this section.

c) Credits and Reimbursements. Upon completion to the satisfaction of the city  
engineer, dedication by the owner of the public facilities or improvements, and  
acceptance by the City of the public facilities or improvements for which the  
Capital Facilities Fees/Development Impact Fee, as may be applicable, is intended  
to pay the cost of construction and completion, such owner shall receive credit  
against such Fee charged or to be charged against such owner for such public  
facilities or improvements. Such credit shall be administered as follows:

1. The credit shall be calculated by the percentage such owner completes of  
the total public facilities or improvements for which such Fee is intended  
to pay for the construction and completion multiplied by the lesser of the

1 projected cost of the facilities or improvements identified in the study with  
2 any applicable adjustments pursuant to this Section 15.48.140 (b) or the  
3 actual construction costs submitted by the owner and verified by the city  
4 engineer.

5  
6 2. Notwithstanding anything to the contrary herein, a credit may be applied  
7 only against the Fee related to such credit.

8  
9 3. When the owner has exhausted all credit, as determined by the city  
10 engineer, the owner may elect to receive cash reimbursement from the city  
11 for the remaining credit. Such cash reimbursement shall only be made  
12 from the city trust fund containing that component of the Capital Facilities  
13 Fee/Development Impact Fee that is related to such remaining credit to the  
14 extent such funds are available in such trust fund. Any such elected cash  
15 reimbursement remaining unpaid 180 days after a written request has been  
16 made by the owner shall earn interest at the city's current pooled interest  
17 rate.

18  
19 d) Annual Findings. The Community Development Director/Consultant shall  
20 prepare once each fiscal year for the city council, a report of any portion of the  
21 Capital Facilities Fees/Development Impact Fees remaining unexpended or  
22 uncommitted five (5) or more years after deposit of the Fee and which identifies  
23 the purpose to which the Fee is to be used and to demonstrate a reasonable  
24 relationship between the Fee and the purpose for which it was charged.

25  
26 e) Refund of Unexpended Revenues. Except as provided by this Section  
27 15.48.150 (f), the city shall refund to the then current record owner or owners of  
28 each unit of development on a prorated basis the unexpended or uncommitted  
portion of the Capital Facilities Fees/Development Impact Fees, and any interest  
accrued thereon, for which need cannot be demonstrated under this Section  
15.48.150(d). Such refund of unexpended or uncommitted revenues may be made  
by direct payment, by providing a temporary suspension of fees, or by any other  
means consistent with the intent of Government Code Section 66001.

29  
30 f) Reallocation of Remaining Revenues. If the administrative costs of refunding  
unexpended or uncommitted revenues under this Section 15.48.150(e) exceed the  
amount to be refunded, the City, after a public hearing, notice of which has been  
published under Government Code Section 6061 and posted in three prominent  
places within the area of the city, may determine that the revenues shall be  
allocated for some other purpose for which fees are collected subject to Chapter  
(commencing with Section 66000) of Division 1 of title 7 of the Government  
Code."



1           **Section 16.** Section 15.48.160 is hereby added to Chapter 15.48 of Title 15 of the  
2 Kingsburg Municipal Code as follows:

3                   **15.48.160     Enforcement.**

4           a) Misdemeanor. Violation of this chapter shall be a misdemeanor. The city  
5 Attorney may institute criminal proceedings hereunder. Any violator, upon  
6 conviction, shall be fined not more than \$1,000.00, imprisoned for a period not  
7 exceeding six months, or both fined and imprisoned.

8           b) Civil Proceedings. The City Attorney may institute civil proceedings to enforce  
9 this Chapter, including without limitation, actions for injunction and civil  
10 penalties. Construction without the authorization required by this chapter may be  
11 suspended by a court of competent jurisdiction. Violation of this chapter interferes  
12 with provision of public services, and shall constitute a public nuisance.

13           c) Civil Penalties. Any violator of this chapter shall be liable, in addition to  
14 payment of the amount of any Fees due, for civil penalties not to exceed:  
15 \$1,000.00 for each day during which construction proceeds in violation of this  
16 chapter plus 15 percent of the amount of any Fees not paid when due.

17           d) Lien. In the event of failure of the owner of a development project to pay in  
18 full a Fee or Fees payable under this chapter, city may place and record a lien  
19 upon the property on which the development is constructed in the amount of the  
20 unpaid Fee. The City Council shall adopt rules concerning imposition of such  
21 liens, including notice of the imposition of such lien and an opportunity for  
22 hearing.

23           e) Costs of Securing Compliance. Any person or entity not in compliance with  
24 this chapter shall be liable, in addition to other amounts provided herein, for  
25 attorneys' fees, and all other reasonable costs of securing compliance, including  
26 the cost of collection.

27           f) Interest. Interest shall accrue on all Fees not paid when due pursuant to this  
28 chapter at the rate prescribed by law for interest on judgments, from the date when  
payment was due until the date payment is received in full."

**Section 17.** Section 15.48.170 is hereby added to Chapter 15.48 of Title 15 of the  
Kingsburg Municipal code as follows:

**"15.48.170   Invalidity**

If any section, subsection, sentence, clause, or phrase of this ordinance is for any  
reason held to be unconstitutional and invalid, such decision shall not affect the  
validity of the remaining portion of this ordinance. The city council hereby

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declares that it would have passed this ordinance and every section, subsection, sentence, clause or phrase thereof, irrespective of the fact any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.”

This ordinance shall take effect sixty (60) days after its adoption and shall become operative and in full force on June 1, 2016. Within fifteen (15) days after adoption, a summary of this ordinance shall be published with the names of the city council members voting for and against the same, once in a local newspaper of general circulation in the City of Kingsburg, County of Fresno, State of California.

Passed and adopted by a regular meeting of the city council of the City of Kingsburg, duly called and held on the 16<sup>nd</sup> day of March, 2016, by the following vote:

AYES:	Council Member	_____
		_____
		_____
		_____
		_____
		_____
NOES:	Council Member	_____
ABSTAIN:	Council Member	_____
ABSENT:	Council Member	_____
	APPROVED	_____
		Mayor
ATTEST:	_____	
	City Clerk	



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DATED: \_\_\_\_\_, 2016 \_\_\_\_\_  
City Clerk



Meeting Date: 03/16/2016  
Agenda Item: IV 4

## CITY COUNCIL MEETING STAFF REPORT

REPORT TO: Mayor & City Council

REPORT FROM: David Peters, City Engineer

REVIEWED BY:

AP

AGENDA ITEM: Final Tract Map 6094

ACTION REQUESTED: ☐ Ordinance ☒ Resolution ☐ Motion ☐ Receive/File

### EXECUTIVE SUMMARY

The applicant, Lennar Homes, Inc., a California Corporation, is proposing to develop a 34 lot residential subdivision the west side of 18<sup>th</sup> Avenue, south of Kamm Avenue. Prior to beginning the construction of the project, the City Council must approve the final subdivision map and authorize the City Manager to enter into the subdivision agreement.

The applicant has complied with the conditions of approval of the tentative tract map and has paid development fees in accordance with City fee resolutions.

The subdivision is zoned residential, and complies the North Kingsburg Specific Plan and the City's General Plan.

### RECOMMENDED ACTION BY CITY COUNCIL

1. Adopt resolution No. 2016-015 approving the final map for Tract 5609 accepting on behalf of the public the streets and easements as offered on the map in accordance with the terms of the dedications.
2. Authorize the City Manager to execute the Subdivision Agreement on behalf of the City, subject to review as to form by the City Attorney.

### POLICY ALTERNATIVE(S)

1. Council could choose to deny approval of the final map if findings could be made that the map is not in substantial conformance with the tentative map or the conditions of approval of the tentative map.

### REASON FOR RECOMMENDATION/KEY METRIC

1. Staff has determined that the map is in substantial conformance with the tentative map and the conditions of approval.



## **FINANCIAL INFORMATION**

### **FISCAL IMPACT:**

1. Is There A Fiscal Impact? No
2. Is it Currently Budgeted?
3. If Budgeted, Which Line?

## **PRIOR ACTION/REVIEW**

Tentative Tract Map 6094 was approved by the City Council in July, 2015.

## **BACKGROUND INFORMATION**

The applicant, Lennar Homes, Inc. a California Corporation, is proposing at develop a 34 lot residential subdivision the west side of 18<sup>th</sup> Avenue, south of Kamm Avenue. Prior to beginning the construction of the project, the City Council must approve the final subdivision map and authorize the City Manager to enter into the subdivision agreement.

The applicant has complied with the conditions of approval of the tentative map. A subdivision agreement has been prepared for the development because the off-site improvements have not yet been constructed. The subdivision agreement requires that the applicant post bonds or instruments of security with the City in order to guarantee the construction of the improvements, which they have done. The subdivision agreement also sets forth the development fees that the applicant must pay the City prior to the delivery of the final map to the County Recorder.

The applicant has submitted the public improvement plans and the final map to the City, which have been reviewed and approved by the City Engineer. The Council must accept the final map unless they can site deficiencies in the final documents.

The applicant has paid development fees as described above and in accordance with City fee resolutions. These fees will provide for review costs by the City and other capital improvement requirements.

The subdivision is zoned residential, and complies with the North Kingsburg Specific Plan and the City's General Plan.

## **ATTACHED INFORMATION**

1. Resolution No. 2016-015
2. Final Map 6094
3. Subdivision Agreement

Recording Requested by: )  
)  
City of Kingsburg )  
)  
and When Recorded, Mail to: )  
)  
City of Kingsburg )  
1401 Draper Street )  
Kingsburg, CA 93631 )

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RESOLUTION NO. 2016-015

A RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF KINGSBURG  
APPROVING TRACT 6094

WHEREAS, the Subdivision Agreement for Tract 6094, has been approved and executed by the developer, Lennar Homes, Inc., a California Corporation and

WHEREAS, all required City fees have been paid and bonds furnished to guarantee the construction and warranty of the required subdivision improvements; and

WHEREAS, the presence of the City Engineer's and Planning Commission Secretary's signatures on the final tract map indicates that the final map substantially conforms to the tentative tract map previously approved by the City Council.

NOW, THEREFORE, BE IT RESOLVED:

That the City Council of the City of Kingsburg hereby approves the Final Map for Tract 6094, subject to final approval by the City Engineer, with any and all conditions which were imposed at the time of approval of the tentative map and;

BE IT FURTHER RESOLVED:

That the City Council of the City of Kingsburg hereby authorizes the City Manager to execute the Subdivision Agreement for Tract 6094, on behalf of the City, subject to review as to form by the City Attorney, and review as to content by the City Engineer.

\*\*\*\*\*

I, Abigail Palsgaard, City Clerk of the City of Kingsburg, do hereby certify that the foregoing resolution was duly passed and adopted at a regular meeting of the Kingsburg City Council held on the 16th day of March, 2016, by the following vote:

Ayes: Councilmembers:  
Noes: Councilmembers:  
Absent: Councilmembers:  
Abstain: Councilmembers:

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Abigail Palsgaard, City Clerk  
City of Kingsburg





**SURVEYED AND PLATTED IN  
SEPTEMBER 2016 BY I.B.A.**

### DEPT 3 OF 1

(...)

(...)	RECORD DATA PER TRACT NO. 3741, AT PAGES 82 THROUGH 84, F.C.R.	●	EXISTING MOVEMENT POINT AND ACCEPTED OR AS NOTED.
(...)	RECORD DATA PER TRACT NO. 1861, AT PAGE 52, F.C.R.	A	INDICATES EXISTING NOW OPENED PUBLIC UTILITY EXISTING NOW AND UTILITY INPROGRESS.
<-->	RECORD DATA PER TRACT NO. 1861, AT PAGE 52, F.C.R.	PUE	PUBLIC UTILITY EXISTING NOW OPENED FOR ODKATION FOR NOW
[...]	RECORD DATA PER TRACT NO. 1531, AT PAGE 21, F.C.R.	LE	LANDSCAPE EXISTING NOW OPENED FOR ODKATION FOR PUBLIC USE.
([...])	RECORD DATA PER TRACT NO. 4912 AT PAGE 30, F.C.R.		PRESEN COUNTY RECORDS.
<-->	RECORD DATA PER TRACT NO. 4904, AT PAGES 63 AND 64, F.C.R.	—	DISINTEGRATE BORDER INDICATES THE LIMITS OF THE SUBDIVISION.
([...])	RECORD DATA PER TRACT NO. 4465, AT PAGES 17 THROUGH 20, F.C.R.		
([...])	RECORD DATA PER TRACT NO. 1375, AT PAGE 12, F.C.R.		

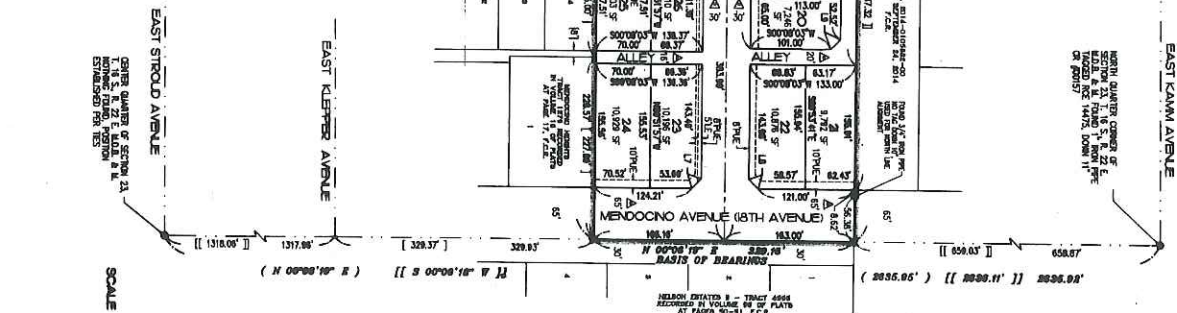
LINE	READING	LENGTH
L1	M4515'20"E	18.93'
L2	M4515'20"E	11.46'
L3	S44'44'00"E	8.63'
L4	M4515'20"E	8.64'
L5	S44'44'00"E	8.63'
L6	M4515'20"E	8.64'
L7	S44'45'32"E	17.02'
L8	M4514'20"E	16.93'
L9	M44'44'40"W	17.01'

CRAB	HEADS	LENGTH	WEIGHT	DELTA
C1	50.00	45.81	44.23	5079.96
C2	45.00	20.80	20.72	2833.01
C3	45.00	20.80	20.85	2833.01
C4	50.00	125.05	84.81	14517.97
C5	45.00	20.80	20.85	2833.01
C6	45.00	11.92	11.97	1453.55
C7	45.00	9.15	9.12	1137.97
C8	50.00	54.72	51.65	6737.28
C9	50.00	50.75	49.16	5720.96
C10	50.00	20.51	20.37	2290.17

Location	Elevation
R1	106410'14"E
R2	57514'00"W
R3	55411'00"E
R4	50323'56"W

THE EAST LINE OF NORTHWEST QUARTER OF SECTION 23, T. 18 S., R. 22 E., M.D.B.M. WAS TAKEN TO BE NORTH 00°00'19" EAST, PER TRACT NO. 37801, ASIAN HEIGHTS SUBDIVISION, UNIT NO. 1, RECORDED IN VOLUME 50 OF PLAT MAPS AT PAGES 82-84, PUEBLO COUNTY RECORDS.

1" O.D. x 30" LONG RICH PIPE TO BE SET 8" DOWN AND TAPPED L5-6819. AT ALL LOT CORNERS, ANGLE POINTS, BEGINNING OF CURVES AND END OF CURVES. OR AS NOTED WITHIN THE TIME SPECIFIED IN THE SUBDIVISION AGREEMENT FOR THIS TRACT.





**CITY OF KINGSBURG  
SUBDIVISION AGREEMENT**

TRACT NO. 6094

THIS SUBDIVISION AGREEMENT ("AGREEMENT") is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2016, by and between Lennar Homes of California, Inc., a California Corporation ("SUBDIVIDER"), and the City of Kingsburg, a Charter City ("CITY").

**RECITALS**

A. The SUBDIVIDER has presented to the CITY a final map of the proposed subdivision of certain real property located within the city limits of the CITY, and more particularly described in Exhibit "A" which is attached hereto and made a part hereof ("Final Map") and identified as Tract No. 6094 ("Subdivision"). The real property is to be developed pursuant to improvement plans, a copy of which is attached hereto and made a part hereof and identified as Exhibit "B" ("Improvement Plans"). SUBDIVIDER has requested that the CITY accept and approve the Final Map and the dedications delineated and shown on the Final Map for the use and purposes specified thereon and to otherwise approve the Final Map in order that the same may be recorded as required by law.

B. The CITY requires as a condition precedent to the acceptance and approval of the Final Map, the dedication of the streets and public improvements and easements as delineated and shown on the Final Map, and deems the same as necessary for the public use, and requires and deems as necessary for the public use that any and all streets, public improvements and easements delineated and shown on the Final Map shall be improved by the construction thereof and the installation of the improvements specified in this Agreement.

C. Certain public improvements are required to be made by SUBDIVIDER in accordance with the approved tentative map of the Subdivision and have not yet been completed. Section 66462 of the California Government Code provides, as a condition precedent to the approval of the Final Map, that the City shall require the SUBDIVIDER to enter into an agreement to complete said public improvements.

D. Section 16 of the Kingsburg Municipal Code, requires the SUBDIVIDER to enter into an agreement with the CITY to perform and complete the work and matters as hereinafter described in this Agreement, in conformance with Section 16 inclusive of the Kingsburg Municipal Code, which Sections by this reference are incorporated into this Agreement made a part hereof.

NOW THEREFORE, it is hereby agreed as follows:

1. Improvements. SUBDIVIDER shall construct and install all public improvements in the Subdivision as identified in Exhibit "B" of this Agreement (collectively "Improvements") and as specified on the Final Map in accordance with all of the requirements and standards as set forth in the approval or conditional approval of the tentative map of the Subdivision, the Kingsburg Municipal Code, all applicable laws, codes and regulations as determined by the City Engineer and the terms and conditions of this Agreement (collectively "Work"). In accordance with Section 16 of the Kingsburg Municipal Code, all of the Improvements shall be completed no later than twelve (12) months after the recording of the Final Map and commencement of construction.

The SUBDIVIDER shall notify the City Engineer in writing two weeks (14 calendar days) prior to the commencement of construction activities. The City Engineer will then document in writing the beginning of the construction period. Request to extend the time for completion of the Improvements must be in written form and received by the CITY not less than thirty (30) days prior to expiration of said twelve (12) month period and shall include facts to support the extension of time for completion as required by the City Engineer. Only the City Council shall have the authority to extend such time period. The extension period shall not exceed three (3) months.

Within thirty (30) days after the SUBDIVIDER notifies the City Engineer that the required Work has been completed, the City Engineer shall inspect such Work and, if the Work has been performed in the required manner and in accordance with this Agreement, the Final Map, the Kingsburg Municipal Code and all other applicable laws, codes and regulations, the City Engineer shall advise the City Council that the public improvements are ready for acceptance by the CITY.

2. Inspection. The CITY shall inspect all work in accordance with Section 16 of the Kingsburg Municipal Code, including the SUBDIVIDER'S conformance with the CITY's standard specifications and any and all applicable conditions, standards or requirements, including, without limitation, all conditions, standards or requirements identified at the preconstruction conference held prior to commencing the Work.

As part of the inspection process, SUBDIVIDER shall retain, at its sole cost and expense, a materials testing company to perform any testing or retesting of the Work as required by the City's Department of Public Works and/or Building Official. The materials testing firm must be approved by the CITY before any testing or retesting begins. The City's Inspector shall designate the locations for compaction tests, and shall observe all testing procedures. In addition to street areas, compaction testing shall be performed in building pad areas.

The SUBDIVIDER'S Engineer shall check the grade of all streets prior to surfacing and shall, prior to surfacing, provide written confirmation to the City's Department of Public Works that the street grades conform to the approved grades. In the case of asphalt concrete surfacing, the SUBDIVIDER'S Engineer shall, prior to surfacing, set grade stakes and shall be in attendance at the time all surfacing is performed.

SUBDIVIDER shall construct all required improvements in accordance with the applicable improvement plans and specifications. Where concrete curbs and gutters are required and where driveway approaches are not constructed at the time curbs and gutters are constructed, the curb and gutter shall be continuous.

CITY shall schedule a preliminary final inspection and a deficiency list shall be compiled and submitted to the SUBDIVIDER for correction. Upon completion of all corrections or additional work as outlined by the deficiency list, the SUBDIVIDER shall certify, in writing, that all corrections have been completed and request a final inspection. Upon finding that all items have been corrected and receipt of as-built improvement plans, the Subdivision shall be placed on the City Council agenda for acceptance.

The completion of corrections indicated by the deficiency list shall not relieve the SUBDIVIDER from the responsibility of correcting any deficiency not shown on the deficiency list that may be subsequently discovered. Should the CITY require payment of additional engineering and inspection fees and costs for improvements constructed after the stated date of



completion, the SUBDIVIDER must pay said additional fees and costs prior to acceptance by the City Council of the improvements.

3. Costs and Fees. The SUBDIVIDER shall be responsible for all costs and expenses associated with the Work, including, without limitation, the costs identified in the Improvement Cost Estimate attached hereto and made a part hereof and identified as Exhibit "C" to this Agreement. SUBDIVIDER agrees to all amounts identified on Exhibit "C" and agrees to pay when due, all amounts identified on Exhibit "C", including, without limitation, all CITY engineering and inspection fees.

4. Security. SUBDIVIDER agrees to furnish security, which complies with Section 66499 et. seq. of the California Government Code, and in such amounts as are required by the CITY, to guarantee the faithful performance of this Agreement including, without limitation, the construction of the Improvements and completion of the Work, and to guarantee payment to contractors, subcontractors, laborers, material men and other persons involved in the performance of the Work. In the sole discretion of the CITY and with the written authorization of the CITY, the sureties provided by the SUBDIVIDER may be released in whole or in part in the following manner:

(a) Faithful performance sureties, not in excess of ninety percent (90%) of the estimated costs of the individual items of the Improvements and Work, may be released, or the required surety amounts may be reduced, as work is satisfactorily completed and accepted by the CITY.

(b) Forty-five (45) days after recordation of the Notice of Completion for the Subdivision, the sureties securing the payment to contractors and subcontractors, and to persons furnishing labor, materials, or equipment, may be released if claims including, without limitation, stop notices, have not been filed.

(c) Twenty-Five percent (25%) of the total faithful performance surety, retained as the public improvement warranty, may be released one year after the Notice of Completion for the SUBDIVISION has been recorded. In the alternative, SUBDIVIDER shall provide CITY with new warranty security of not less than twenty-five percent (25%) of the Improvement Cost Estimate identified in Exhibit "C" hereto, which security shall have a term of one (1) year from the date of recordation of the Notice of Completion for the Subdivision.

In accordance with Section 16 of the Kingsburg Municipal Code, the SUBDIVIDER shall furnish, in writing, proof of adequate security deposit to all utility companies for the installation of electricity, gas, telephone, cable television and any other utility which charges are not part of the Improvement Cost Estimate set forth in Exhibit "C".

No final map shall be signed by the City Engineer or recorded until all improvement securities required by Section 16 of the Kingsburg Municipal Code and this Agreement have been received and approved by the CITY. The form of securities shall be one or the combination of forms as approved by the CITY.

5. Liability. As a condition precedent, and prior to commencement of the Work to be performed pursuant to this Agreement, SUBDIVIDER shall furnish the CITY with a certificate of insurance with a separate endorsement evidencing the following insurance coverages:

Commercial and general liability insurance with a combined single limit of not less than Two Million Dollars (\$2,000,000.00) per occurrence. Such insurance shall include products/completed operations liability, owners and contractors protective blanket contractual liability, personal injury liability, broad form property damage coverage and explosion, collapse and underground hazard coverage. The insurance shall name the CITY, its appointed and elected officials, officers, employees and agents and Peters Engineering Group as additional insureds; and be primary with respect to any insurance or self-insurance programs maintained by the CITY, and shall protect them from claims for personal injury, death or property damage suffered by third persons or by officers, employees, agents or independent contractors of the SUBDIVIDER, and arising out of or in any way connected with the Work which is the subject of this Agreement. Such policy or policies of insurance shall specifically provide that the CITY shall receive at least thirty (30) days prior to written notice of any cancellation of such policy or policies. Any such notice shall be sent to the attention of the City Engineer. Notwithstanding an inconsistent statement in the insurance policy or certificate or subsequent endorsement attached thereto, the CITY shall be insured or named as an additional insured covering the Work which is the subject of this Agreement, whether liability is attributable to the SUBDIVIDER or to the passive or active negligence of the CITY. The insurance shall be in effect on the date of this Agreement and shall expire no sooner than one year after the date of recordation of the Notice of Completion for the Subdivision. The cost of providing all required insurance shall be borne solely by the SUBDIVIDER.

All such insurance shall provide coverage for SUBDIVIDER's obligations of indemnification as set forth in paragraph 6 of this Agreement.

The expiration or proposed cancellation of any such insurance policy or policies, for any reason whatsoever, shall constitute a material breach of this Agreement.

6. Indemnification. SUBDIVIDER hereby agrees to and shall protect, indemnify, defend and hold harmless the CITY and all officials, officers, agent, representatives and employees and Peters Engineering Group from and against any and all liability, loss, claims, expenses, or damages of whatsoever kind or character, including attorneys fees and costs of all types, in any way arising out of, or in any way related, directly or indirectly to the Work to be performed pursuant to this Agreement or the acts or omissions of the SUBDIVIDER, SUBDIVIDER'S independent contractors, employees, representatives, agents and invitees, and the passive or active negligent acts or omissions of the CITY or its officials, officers, employees, contractors, representatives, and agents while acting within the scope of their duties and regarding, in any way, the Work to be performed pursuant to this Agreement. These indemnification and hold harmless provisions shall be in full force and effect regardless of whether or not there is insurance policies covering the applicable damages, claims, or liability. This indemnification shall be binding upon the SUBDIVIDER whether or not there are any allegations of fault, negligence or liability of the parties indemnified hereunder and shall survive the completion of construction of the Improvements and completion of the Work.

SUBDIVIDER agrees that the use of any and all public streets and improvements, which are part of the Subdivision, shall be, at all times prior to the final acceptance by the CITY, the sole and exclusive risk of the SUBDIVIDER.

7. Permits and Compliance. Should SUBDIVIDER be required to perform any Work within any public rights-of-way or easements, which are located beyond the Subdivision limits,



including work located adjacent to said subdivision, SUBDIVIDER shall satisfy any and all requirements necessary to obtain an encroachment permit from the CITY or any other agency.

The SUBDIVIDER shall install underground, all gas main services, telephone, cable television, and electrical lines, and all electrical transformers, splice boxes, pull boxes, and other existing facilities providing service to within the limits of this Subdivision.

SUBDIVIDER agrees to make all financial arrangements with Pacific Gas and Electric, Southern California Gas, Comcast Cable (formerly Media One), SBC (formerly Pac Bell), and any other applicable utility company, to guarantee the installation of all utilities and services to the Subdivision. Copies of all agreements and written evidence of these financial arrangements shall be furnished to the CITY along with a composite underground utility plan prior to beginning construction of the Improvements related to the subdivision.

SUBDIVIDER shall make arrangements for the relocation of all overhead and underground public utility facilities along the frontages or that interfere with the construction of the Improvements or is required as a condition of approval. The SUBDIVIDER shall be responsible for the full cost of relocating such utilities and facilities.

The SUBDIVIDER shall repair any damage to public streets or other public property or improvements, which results from, or is incidental to, the construction of the Improvements, or in lieu of making such repairs, the SUBDIVIDER shall pay to the CITY the full cost of such repairs.

Building permits for individual lots of the Subdivision will not be issued until all improvements have been constructed and deemed "substantially complete" by the City Engineer.

No occupancy permit for any dwelling to be constructed within the Subdivision shall be issued until all Improvements are completed and accepted by the City Council.

In accordance with Section 16 of the Kingsburg Municipal Code, construction methods and materials for all Improvements shall conform to the standard plans and specifications of the CITY. Construction shall not commence until required improvements plans have been approved by the City Engineer and payment of all fees have been received by the CITY.

The Improvements shall be constructed in accordance with all applicable street, plumbing, building, electrical and zoning codes and any other applicable codes, rules or regulations of the CITY and the State of California.

The SUBDIVIDER shall require contractors and subcontractors to provide and maintain barricades and warning signs to protect and warn the public of construction hazards. Traffic control shall conform to a traffic control plan approved by the City Engineer. If in the opinion of the City Engineer, proper barricades and warning signs are not being provided, the Contractor will be required to immediately stop work until proper traffic control is provided and approved by the City Engineer.

The SUBDIVIDER shall require all contractors and subcontractors to conform to the applicable provisions of the California Occupational Safety and Health Act ("OSHA"). On site inspection of the work will be requested of OSHA officials and all work subject to this Agreement shall immediately stop if, in the opinion of the City Engineer, any such work is being performed in violation of OSHA, or when appropriate safety measures are not being utilized for the Work.

SUBDIVIDER shall be responsible for obtaining an NPDES permit for construction sites in excess of one acre, and shall develop a dust control plan and erosion control plan to mitigate soil migration from the Subdivision. SUBDIVIDER shall be responsible for soil and erosion control throughout the one-year warranty period called for in this Agreement. The SUBDIVIDER shall sweep the streets and alleys within the subdivision periodically throughout the one-year warranty period, at a minimum frequency of once per month.

The SUBDIVIDER and its contractors and subcontractors shall pay for any materials, provisions and other supplies used in, upon, for, or about the performance of the Work, and for any and all work or labor associated therewith and for all amounts due under the worker's compensation and the unemployment insurance acts and all other applicable laws or regulations of the State of California or the United States with respect to such work or labor, including, without limitation, as required by Section 3200 of the California Labor Code and Section 4200 of the California Government Code.

The SUBDIVIDER shall provide and plant one street tree per lot at a location approved by the City's Building Official. The trees shall be planted at the time the dwelling unit on the lot is occupied and shall be selected from a street tree list provided by the CITY. Trees shall be furnished with root barriers and watered via a City approved irrigation system for each lot.

The SUBDIVIDER shall install streetlights in the Subdivision. A streetlight plan shall be submitted to the City Engineer for review and approval. Streetlights shall be furnished and installed in accordance with CITY, PG&E and Caltrans' standards. The street lighting system shall become the property of the CITY upon completion and acceptance of the work, without further consideration to SUBDIVIDER. SUBDIVIDER'S contract with PG&E ("PG&E" Contract) for the furnishing of electrical power to the Subdivision shall specifically state that all streetlights shall become the property of the City. Each street light shall be furnished with an electrical pull box and grounding rod. The SUBDIVIDER shall number the street light poles in accordance with PG&E requirements. The PG&E Contract shall identify a maintenance rate schedule for the streetlights of LS2C. All street light boxes shall be equipped with an approved anti-theft device.

Fencing improvements shall be constructed in accordance with City Standards, with appropriate fencing offsets to be provided for sanitation and garbage collection service to each lot, including allowance for approved number and/or style of garbage cans, green waste, and recycling containers. Fencing improvements shall be constructed in such a manner as to eliminate any dirt strip between the fence and the adjacent alley. Where framing improvements face the alley, the SUBDIVIDER shall construct a concrete mow strip in accordance with City standards between the fence and the alley paving.

The SUBDIVIDER shall furnish to the CITY a set of reproducible as-built plans for all street improvements ("Street Plans"). The Street Plans shall be original ink on vellum or mylar or chronar copies. The Street Plans shall include the location of all underground utilities, finished grades for all curb returns and building pads. The SUBDIVIDER'S engineer shall provide a copy of the tract, in digitized format (AutoCad 2014 or equivalent format as approved by the City Engineer) to the City prior to final acceptance of the Improvements and Work by the City.

Prior to commencement of any work within the right-of-way not included in the improvement plans, or any work performed within an existing maintained road, a permit must be obtained from the City Public Works Department. Said permit may, amongst other things, specify alternate schedules for completion of the work within existing rights-of-way. The



purpose of these alternate schedules shall be to minimize the impacts on adjacent residents and traffic during the construction period. The conditions of the permit may require the contractor to provide written notification to the adjacent property owners about the work, including a listing of emergency telephone numbers.

In the event an extension is granted to the time within which all work is to be completed on this subdivision as provided herein, the SUBDIVIDER hereby agrees that he will comply with all the applicable improvement standards in effect at the time of said extension.

The grading on the lots shall conform to the grades shown on the Grading Plan and Improvement Plans. SUBDIVIDER shall hold the CITY harmless from any damages that may result from flooding of any structures on the finished lots.

Prior to the acceptance of the work and release of the security on this tract, the SUBDIVIDER shall provide to the CITY a certification from his engineer that all work performed within this tract conforms with the approved plans and the recommendations contained in the Project Geotechnical/Soils Report. A certification shall also be furnished by the SUBDIVIDER'S Engineer that all utility trenches have been uniformly compacted to the percentages specified in the City Standards.

The SUBDIVIDER shall cause to be placed by authorized persons all survey monuments and lot corners as shown on the final map prior to acceptance of the subdivision by the CITY. A deposit shall be provided to the City to guarantee this installation.

Prior to the acceptance of the Work and release of the security, the SUBDIVIDER shall provide to the CITY a certification from its engineer that all work and the construction and installation of all Improvements conform with the approved plans for the Subdivision and the recommendations contained in the Preliminary Soils Reports. A certification shall also be furnished by the SUBDIVIDER'S engineer that all utility trenches have been uniformly compacted to the percentages specified in the City Standards.

8. Other Conditions. The SUBDIVIDER shall annex the Subdivision to the City's Lighting and Landscape Maintenance District for the provision of maintenance of the street lights and landscaping within the public right-of-way. The SUBDIVIDER shall provide a signed and notarized covenant and consent for annexation of the Subdivision to the Lighting and Landscape Maintenance District. The SUBDIVIDER shall notify every potential buyer of lots within the Subdivision that the Subdivision is part of a Lighting and Landscape Maintenance District. The SUBDIVIDER shall provide the City with a signed copy of such notice indicating acceptance of the notice by the buyer.

9. Scheduling. It shall be the responsibility of the SUBDIVIDER to coordinate all Work performed by its contractors and subcontractors, such as scheduling the sequence of operations and the determination of liability of one contractor or subcontractor operation delays another. In no case shall representatives of the CITY be placed in the position of making decisions that are the responsibility of the SUBDIVIDER. It shall further be the responsibility of the SUBDIVIDER to give the City Engineer written notice not less than fourteen (14) calendar days in advance of the actual date on which work is to be started. Failure on the part of the SUBDIVIDER to notify the City Engineer may cause delay for which the SUBDIVIDER shall be solely responsible.



10. Soil and Dust Control Provisions. The SUBDIVIDER is responsible for arrangement for and payment of all CITY required soil tests at locations as determined by the City Engineer. Payment for said tests shall be made directly by the SUBDIVIDER to the certified testing firm of the SUBDIVIDER'S choice.

Adequate dust control shall be maintained by the SUBDIVIDER on all streets and areas, including, without limitation, undeveloped lots within the Subdivision and all streets outside of the Subdivision, from the time Work is first commenced until all work is completed. "Adequate dust control" as used herein shall mean the sprinkling of the streets with water or approved dust palliative with sufficient frequency to prevent the scattering of dust by wind or the activity of vehicles and equipment onto any street area or private property adjacent to the Subdivision. Whenever, in the opinion of the City Engineer, adequate dust control is not being maintained on any street or streets, or other areas of the Subdivision, the City Engineer shall give notice to the SUBDIVIDER to comply with these provisions, or, at the election of the City Engineer, notice may be mailed to the SUBDIVIDER at his address on file with the City Engineer. If, within twenty-four (24) hours after personal service or within forty-eight (48) hours after mailing of notice, the SUBDIVIDER has not commenced to maintain adequate dust control or at any time thereafter fails to maintain adequate dust control, the City Engineer may, without further notice of any kind, cause any street or streets to be sprinkled with water or an approved dust palliative as may be deemed necessary by the City Engineer to eliminate the scattering of dust. Such dust control shall be performed by equipment and personal of the CITY or by contract as the City Engineer shall determine, and the SUBDIVIDER agrees to pay to CITY, upon receipt of the billing therefore, the entire cost to the CITY of such dust control.

When the surfacing on any existing street is disturbed, SUBDIVIDER shall immediately replace the surfacing with temporary surfacing and permanently pave the existing street within fourteen (14) calendar days thereafter. All streets shall be maintained in a safe and passable condition at all times between the commencement of construction of Improvements and final completion thereof.

11. Reimbursement. If the City Municipal Code provides SUBDIVIDER with the right to receive cash reimbursement or Development Impact Fee credit because of the construction of certain Improvements or the oversizing thereof, SUBDIVIDER must request payment of the cash reimbursement or preparation of a reimbursement agreement, whichever is applicable, or the Development Impact Fee credit. Such request must be made in writing and received by the City Engineer prior to the date of final acceptance of all Improvements by Kingsburg City Council. SUBDIVIDER agrees that should it fail to make such written request by the date identified herein, SUBDIVIDER forever waives it's right to request and receive any reimbursement, reimbursement agreement or Development Impact Fee credit.

All such requests for reimbursement shall be prepared and submitted in accordance with City requirements and include the following:

- i. One complete copy of all awarded bid for Work that is the subject of SUBDIVIDER's reimbursement request, together with a copy of any other unsuccessful bids the SUBDIVIDER received (the SUBDIVIDER is not required to obtain more than one bid) and documentation sufficient, as determined by the CITY, to demonstrate that the unit costs for both reimbursable and non-reimbursable work items of similar scope are identical;
- ii. Completed "Requested Reimbursement Schedule";



- iii. Completed, reproducible as-built drawings;
- iv. Certification, signed by the SUBDIVIDER, its engineer, and its contractor attesting that the Work and Improvements are complete and that no future reimbursement claims will be forthcoming; and
- v. If the awarded bid was significantly higher than the customary unit cost for a specific item or at the request of the City, the developer shall submit a written narrative explaining why the awarded bid was used and why the SUBDIVIDER should be reimbursed at a rate higher than the customary rate.

Tract 6094 does not contain any improvements that fall under the definition of reimbursable.

12. Prevailing Wage Laws, Rules and Regulations. SUBDIVIDER shall comply with and shall require all contractors to comply with all prevailing wage laws, rules and regulations applicable to the Subdivision, the Work and the Improvements. Unless otherwise advised in writing by the CITY, SUBDIVIDER shall be solely responsible for making any and all decisions regarding the payment of prevailing wages for any portion or aspect of the Subdivision, Work or Improvements, including, without limitation, any form of reimbursement by the CITY to the SUBDIVIDER or any contractor. Further, SUBDIVIDER will be solely responsible for the payment of any claims, fines, penalties, reimbursements, payments or any other actions that may be initiated against SUBDIVIDER, any contractor, or the CITY as a result of failure to pay prevailing wages.

SUBDIVIDER shall defend, indemnify and hold harmless the CITY, its officials, officers, employees, representatives, agents, attorneys, and Peters Engineering Group from and against any and all claims, damages, losses, judgments, liabilities, expenses and other costs, including, without limitation, litigation costs and attorney's fees arising out of, resulting from or in any way in connection with any violation or claim of violation of any prevailing wage law, rule or regulation applicable to any portion or aspect of the Subdivision, the Work or the Improvements. SUBDIVIDER's obligation to defend, indemnify and hold the CITY harmless specifically includes, but is not limited to, any suit or administrative action against the CITY which claims a violation of any prevailing wage law, rule or regulation applicable to any portion or aspect of the Subdivision, Work or Improvements.

SUBDIVIDER's obligations to defend, indemnify and hold the CITY, its officials, officers, employees, representatives, agents, attorneys, and Peters Engineering Group harmless as set forth herein, shall include, but shall not be limited to, staff time, copying costs, court costs, the costs of any judgments or awards against the CITY for damages, losses, litigation costs or attorney fees arising out of any violation or claim of violation of any prevailing wage law, rule or regulation applicable to any portion or aspect of the Subdivision, Work or Improvements and costs of any settlement representing damages, litigation costs and attorney's fees to be paid to other parties arising out of any such proceeding or suit.

The CITY may, at any time, require the SUBDIVIDER to reimburse the CITY for costs that have been, or which the CITY reasonably anticipates will be, incurred by the CITY during the course of any action. SUBDIVIDER shall reimburse the CITY within thirty (30) days of receipt of an itemized written invoice from the CITY. Failure of the SUBDIVIDER to timely reimburse the CITY shall be considered a material breach of this Agreement. All of the provisions of this paragraph 12 shall survive the completion of construction of the Improvements and completion of the Work.

13. Sole and Only Agreement. This Agreement supersedes any and all other agreements, either oral or in writing, between the parties hereto with respect to the matters set forth herein and contains all of the covenants and agreements between the parties regarding such matters. Each party to this Agreement acknowledges that no representations, inducements, promises or agreements, orally or in writing, have been made by any party or anyone acting on behalf of any party which are not embodied in this Agreement and no other agreement, statement or promises shall be valid or binding.

14. Invalidity. If any provision of this Agreement is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions shall nevertheless continue in full force and effect without being impaired or invalidated in any way.

15. Attorneys' Fees. If an action at law or in equity is necessary to enforce or interpret the terms of this Agreement, the prevailing party shall be entitled to reasonable attorneys' fees, costs and necessary disbursements in addition to any other reasonable relief to which he may be entitled. With respect to any suit, action or proceeding arising out of or related to this Agreement, or the documentation related hereto, the parties hereby submit to the jurisdiction and venue of the Superior Court in the County of Fresno, State of California for any proceeding arising hereunder.

16. Successors and Assigns. The covenants and agreements contained in this Agreement shall be binding upon and shall inure to the benefit of the heirs, successors and assigns of the parties hereto. This Agreement shall not be assigned by SUBDIVIDER without the express prior written consent of CITY, which consent may be withheld in the sole and absolute discretion of CITY.

17. Governing Law. This Agreement shall be construed and governed pursuant to the laws of the State of California.

18. Time of the Essence. Time is of the essence of this Agreement.



IN WITNESS WHEREOF, the parties have executed this Agreement on the \_\_\_\_ day of \_\_\_\_\_, 2016.


CITY OF KINGSBURG

KINGSBURG CITY MANAGER

SUBDIVIDER

Lennar Homes of California, Inc.  
a California Corporation

By: \_\_\_\_\_  
Alex Henderson

By: \_\_\_\_\_  
Merrill (Mike) Miller, Vice President

APPROVED AS TO CONTENT:

By: \_\_\_\_\_  
David Peters, PE  
City Engineer, City of Kingsburg

ATTEST:

By: \_\_\_\_\_  
Abigail Palsgaard  
City Clerk, City of Kingsburg

## ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Fresno )

On March 10, 2016 before me, Christine Collins, Notary Public  
(insert name and title of the officer)

personally appeared Mike Miller, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

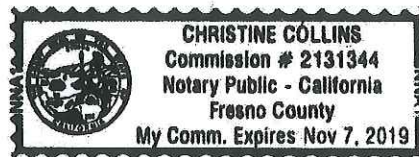
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature



(Seal)





## EXHIBIT "C"

### IMPROVEMENT COST ESTIMATE

Estimated construction costs used in this Agreement are increased for projected inflation computed to the estimated mid-point of construction.

### ESTIMATED CONSTRUCTION COST

#### Site Preparation

Construction of all rough grading, fencing, and wall improvements as shown on the approved improvement plans and in accordance with City Standards and Specifications.

\$ 171,973.50

#### Sanitary Sewer System

Construction of all sanitary sewerage facilities as shown on the approved improvement plans in accordance with City Standards and Specifications.

\$ 69,380.00

#### Storm Drainage System

Construction of underground cross drains, storm sewerage conductor, and disposal facilities as shown on the approved improvement plan in accordance with City Standards and Specifications.

\$ 34,175.00

#### Water System

Install all water mains, hydrants, services and appurtenances as shown on the approved Improvement Plans in accordance with City Standards and Specifications.

\$ 162,592.50

#### Dry Utilities

Install all gas, electric, telephone, cable, street lights, and other dry utilities as shown on the approved Improvement Plans in accordance with City and Utility Standards and Specifications.

\$ 201,500.00

#### Street Construction

Construct Type "B" asphalt concrete surfacing over Class 2 aggregate base, curb and gutter, sidewalk, wheelchair ramps, drive approaches and valley gutter as shown on the approved Improvement Plans in accordance with City Standards and Specifications.

\$ 363,246.00

**Total Estimate Construction Costs =**

**\$ 1,002,867.00**

### SECURITY REQUIREMENTS

Performance	\$ 1,002,867.00
Labor and Material	\$ 501,434.00
Warranty	\$ 250,717.00
Monumentation Security	\$ 8,500.00

#### Subdivision Fee Schedule.

Fees are established by Council Resolution No.2011-11, and are set forth below.

Charges payable prior to time of approval of Final Map and acceptance of Subdivision Agreement by the City Council. Fees Based on 10.0 Acres / 34 SFU.

Final Tract Map Fee (\$1,200 + \$25/lot)	\$ 2,050.00
Plan Check & Inspection Fee <sup>1</sup>	\$ 35,000.00
Storm Drainage Fees (\$3,656/Acre)	\$ 36,560.00
Capital Facilities Fees* (\$5,918/SFU)	\$ 201,212.00
Rec Area Acquisition & Improvement* (\$1,428/SFU)	\$ 48,552.00
Sewer Connection Fee* (\$1,141/SFU)	\$ 38,794.00
Transmission Grid Main Fee (\$248/Acre)	\$ 2,480.00
<b>SUBTOTAL</b>	<b>\$ 364,648.00</b>
Less Previously Paid Fees	\$ 27,000.00
Less Fees Requested for Deferral	\$ 288,558.00
<b>BALANCE DUE</b>	<b>\$ 49,090.00</b>

#### Notes:

<sup>1</sup> Fee shown is an additional deposit based upon an estimate and \$27,000.00 previously submitted. Actual fee to be calculated based on Resolution No. 2011-11 after subdivision is constructed and prior to acceptance by City Council. Surplus fee deposit will be refunded. In the event initial deposit does not cover the calculated fee, an additional deposit will be required prior to acceptance of the subdivision improvements.

\* Fee's may be deferred until time of issuance of Building Permit





Meeting Date: 03/16/2016  
Agenda Item: V 1

## CITY COUNCIL MEETING STAFF REPORT

**REPORT TO:** Mayor and City Council

**REPORT FROM:** Holly Owen, AICP, Planning Director

**REVIEWED BY:**



**AGENDA ITEM:** General Plan Amendment (GPA 2016-01) to adopt the City of Kingsburg Housing Element as part of the 2015-2023 Multijurisdictional Housing Element and an Initial Study and Negative Declaration as adequate environmental documentation for the project

**ACTION REQUESTED:** ☐ Ordinance ☒ Resolution ☒ Motion ☐ Receive/File

### EXECUTIVE SUMMARY

The Multijurisdictional Housing Element (MJHE) is a regional housing document prepared by the consulting firm of Mintier Harnish under the direction of the Fresno Council of Governments (COG). The MJHE acts as the State-mandated housing element for all participating jurisdictions, including Fresno County, Clovis, Coalinga, Fowler, Huron, Kerman, Kingsburg, Mendota, Parlier, Reedley, San Joaquin, Sanger, and Selma. Although there is a common document that addresses generalities for Fresno County, each City has a separate appendix that addresses specific City issues and needs (Attachment A).

State Law requires cities and counties to update their Housing Elements on a regular basis. The current Housing Element adoption deadline for jurisdictions in Fresno County is December 31, 2015. In the past, Housing Elements were required to be updated every five years. Recent changes to State law extended the update cycle for local agencies with certified Housing Elements to every eight years. The current Housing Element planning period is for eight years, from 2025 through 2023. However, if a jurisdiction does not adopt its Housing Element within 120 days of the mandated deadline (i.e., before April 29, 2016), a jurisdiction must update its Housing Element every four years.

Prior to adopting the Housing Element, State law requires that the State Department of Housing and Community Development (HCD) review Housing Elements for compliance with State law. HCD certifies Housing Elements it finds to be in compliance. The City Council reviewed the Draft Housing Element on June 3, 2015 and staff subsequently submitted the Housing Element to HCD on August 12, 2015. HCD reviewed the Draft Housing Element and issued a comment letter on October 9, 2015 (Attachment B). Staff and the consultants submitted responses to HCD in December 2015. The revisions were found to be satisfactory by HCD and resulted in a letter dated February 1, 2016, stating that the City's Housing Element will be in full compliance with State Law once it has been adopted by the City Council (Attachment C).

Staff is presenting the Public Hearing Draft Housing Element to Council after recommendation from Planning Commission for adoption.

**RECOMMENDED ACTION BY CITY COUNCIL**

Staff recommends that the City Council approve that attached resolutions adopting a Negative Declaration and the 2015-2023 Housing Element as an amendment to the Kingsburg General Plan.

**POLICY ALTERNATIVE(S)**

Council could not adopt the Negative Declaration and General Plan Amendment for the Housing Element.

**REASON FOR RECOMMENDATION/KEY METRIC**

State law requires cities and counties to update their Housing Element on a regular basis. Kingsburg did not have an adopted Housing Element for the last cycle. A certified Housing Element facilitates applications for a variety of grants at both State and Federal level. A Housing Element is not a mandate to construct housing, rather, it allows, through zoning and other actions, for identified housing to be built should the market support it and the need arise.

**FINANCIAL INFORMATION**

**FISCAL IMPACT:**

1. Is There A Fiscal Impact? No
2. Is it Currently Budgeted? Yes
3. If Budgeted, Which Line? 001-2600-519.52-70

**PRIOR ACTION/REVIEW**

The Kingsburg Planning Commission held a public hearing on February 11, 2016, to consider the City of Kingsburg 2015-2023 Housing Element. The Planning Commission approved a resolution (Attachment E), recommending adoption of the Housing Element by the City Council.

**BACKGROUND INFORMATION**

General Plan State Law

Government Code Section (GCS) 65300 requires cities and counties to adopt and maintain a General Plan with a minimum of seven mandatory elements: Land Use; Circulation; Housing; Conservation; Open Space; Noise; and Safety.

Housing Elements

GCS 65580 through 65589.8 specifies the contents for Housing Elements and the update schedule. The Housing Element must identify and analyze Kingsburg's existing and projected housing needs to ensure adequate housing exists for all economic segments of the community. The California Department of Housing and Community Development (HCD) must review and certify the Housing Element to ensure compliance with State law.



SB 375, enacted in 2008, changed the update cycle for Housing Elements from five years to eight years, provided that HCD certifies the Housing Element. This new cycle corresponds to the timing for greenhouse gas reduction targets and Regional Transportation Plan (RTP) preparation. SB 375 also established a penalty, requiring communities that do not adopt a housing element on time to update their Housing Element every four years. The adoption deadline for the 2015-2023 Housing Element is December 31, 2015. The City has until April 29, 2016 to adopt the Housing Element without incurring the four-year penalty.

### Multijurisdictional Housing Element

The MJHE is a single document, made up of two sections: 1) the main body which describes demographics, housing needs, resources, and constraints at a regional level and includes goals and policies common to all participating jurisdictions; and 2) individual appendices for every participating City, which contain details for each jurisdiction (i.e., sites inventory, governmental constraints, evaluation of the existing Housing Element) and individual implementation programs for every City. Kingsburg's individual appendix is attached (Attachment A).

The Draft 2015-2023 Housing Element describes housing needs in Kingsburg, identifies available sites for housing development, explains potential barriers to housing production, and contains proposed policies to address the City's housing needs. For Kingsburg, Sections 1, 2, 3, 4, 5, Appendices 1 and 2, and Appendix 2G of the MJHE constitute the Draft Housing Element for Kingsburg.

### Discussion

#### Revisions to Address HCD Comments

The City Council reviewed the Draft Housing Element on June 3, 2015 and staff subsequently submitted the Housing Element to HCD on August 12, 2015. HCD reviewed the Draft Housing Element and issued a comment letter on October 9, 2015 (see Attachment B). Some of the comments in the letter apply to the main chapters of the Housing Element which apply to all participating jurisdictions. The letter also has individual appendices that contain the comments for each of the participating jurisdictions. The City's comments are contained in a separate Appendix specific to the City of Kingsburg.

Staff and the Consultants submitted responses to HCD comments in December 2015. To summarize, most revisions included, but were not limited to, the following:

1. Revisions to the main chapters of the Housing Element (Chapters 1-5) include:
  - Further description of public outreach efforts (Chapter 1)
  - Further description of housing rehabilitation needs (Chapter 2)
  - Expanded analysis of the farmworker population (Chapter 2)
  - Additional analysis to justify that affordable housing development is feasible at 15 units per acre and feasible in non-residential zones where residential uses are allowed (Chapter 3)
  - New policy to encourage "sweat-equity" homeownership programs (Chapter 5)
2. Revisions to the programs in Appendix 2G for the City of Kingsburg include:
  - A new program to continue regional collaboration efforts (Program 1)
  - A new program to review annexation standards in the MOU between the County of Fresno and the cities within the county (Program 2).
  - A new program to encourage lot consolidation and lot splits (Program 5).



- A new program to provide water and sewer priority to affordable housing consistent with Government Code Section 65589.7 (Program 6)
  - A new program to encourage the development of second units (Program 9)
  - A new program to monitor the City's Growth Management System (Program 11)
3. Revisions made to the analysis in Appendix 2G include:
- Analysis of the availability of water and sewer infrastructure to serve new development
  - Additional analysis of regional impact fees
  - Additional analysis of the review of past accomplishments
  - Additional analysis on realistic development potential in the City's vacant sites
  - Additional analysis on the City's Form Based Code and its impact on the sites inventory
  - Additional analysis on the City's Growth Management System
  - Additional analysis on the variety of housing types provided for in the City's Ordinance
  - Additional analysis on the City's permitting and processing procedures

The revisions were found to be satisfactory by HCD and resulted in a letter dated February 1, 2016 (Attachment C) stating that the City's Housing Element will be in full compliance with State Law once it has been adopted by the City Council.

#### CEQA Process

An Initial Study and Mitigated Negative Declaration have been prepared for this project pursuant to the California Environmental Quality Act (CEQA). Chapters 1-6 of the Countywide Housing Element, which apply to all the participating cities and the county, are available from the Kingsburg City Clerk during normal business hours. The Initial Study is also available for public review from the Kingsburg City Clerk. The Notice of Intent to adopt a Negative Declaration and the Initial Study were circulated for public review. They were filed with the Fresno County Clerk's Office as well as the Governor's Office of Planning and Research State Clearinghouse, and sent to a distribution list of interested agencies. The comment period was extended to accommodate delay in the CEQA preparation process and officially ended on February 6, 2016. The City received comment letters from Caltrans, State Water Resources Control Board, the State Office of Planning and Research, SKF, Fresno LAFCo, and Sun Maid Growers of California, which are on file with the City Clerk. The letters, from state and local agencies, requested analysis of impacts that will be considered on a project-specific basis by the City as part of the entitlement process.

Although the environmental consultant for the Housing Element recommended a Mitigated Negative Declaration as the environmental determination for the Housing Element, no mitigation measures were proposed other than those in the area of Cultural Resources. As those proposed mitigations were duplicative of State law requirements, the recommendation is that City Council adopt the resolution approving the Initial Study and a Negative Declaration without a Mitigation Monitoring Program.

#### CEQA (California Environmental Quality Act)

An Initial Study and Negative Declaration have been prepared for this project pursuant to CEQA. The Initial Study/Negative Declaration was circulated for public review and filed with the Fresno County Clerk's Office and the State Clearinghouse, and sent to a distribution list of interested agencies. The comment period was extended to accommodate delay in the CEQA preparation process and officially ended on February 6, 2016. The City received comment letters from the State Clearinghouse, State Water Resources Control Board, Caltrans, SKF, San Joaquin Valley Air Pollution Control District, LAFCo and Sun-Maid Growers of California. The letters did not contain any specific comments or concerns that change the findings of the Initial Study/Negative Declaration (Attachment D). The letters, from state and



local agencies, requested analysis of impacts that will be considered on a project-specific basis by the City as part of the entitlement process. Responses to the comment letters are included as Attachment D.

### **Schedule and Next Steps**

Following adoption of the Housing Element, the City will submit the Housing Element to HCD for formal certification. HCD has 90 days to certify the Housing Element.

### **ATTACHED INFORMATION**

- A. Appendix, Kingsburg Housing Element (Final Draft entire 2015-2023 Multi-Jurisdictional Housing Element on file with City Clerk)
- B. HCD Comment Letter, October 9, 2015
- C. HCD Conditional Approval Letter, February 1, 2016
- D. Response to Comments, February 2016
- E. Planning Commission Resolution 2016-03, recommending approval of General Plan Amendment 2016-01 and recommending to City Council adoption of the 2015-2023 Housing Element
- F. Resolution 2016-016, approving the Initial Study and Negative Declaration for the 2015-2023 Housing Element
- G. Resolution 2016-017, approving General Plan Amendment 2016-01 and adopting the City of Kingsburg 2015-2023 Housing Element

## APPENDIX 2G: CITY OF KINGSBURG

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### SECTION 2G-1: ACTION PLAN

#### Regional Collaboration

##### Program 1: Regional Collaboration on Housing Opportunities

The Multi-Jurisdictional Housing Element provides an opportunity for countywide housing issues and needs to be more effectively addressed at the regional level rather than just at the local level, and the 13 participating jurisdictions are committed to continuing the regional collaboration in the implementation of the Housing Element. By working together, the jurisdictions can share best practices, explore opportunities for further collaboration, and make the best use of limited resources.

##### *Timeframe and Objectives:*

- The County of Fresno Public Works and Planning Department, with assistance of the Fresno COG, will take the lead in coordinating the Countywide Fifth Cycle Housing Element Committee meetings.
- Continue to participate in the Countywide Housing Element Technical Committee to collaborate on housing program implementation and regional issues including, disadvantaged unincorporated communities (SB 244), infrastructure challenges, farmworker housing, homelessness, and fair housing.
- The Committee will meet at least biannually to evaluate successes in implementation of programs and to identify gaps and additional needs.
- The Committee will meet annually with the California Department of Housing and Community Development (HCD) to discuss funding opportunities and challenges in implementation of programs, and seek technical assistance from HCD and other State agencies in the implementation of housing programs and the pursuit of grant funding.
- The Committee will meet periodically with Fair Housing of Central California to discuss fair housing issues and opportunities for education.
- The Committee will advocate on behalf of the Fresno County region for more grant funding for affordable housing and infrastructure improvements.
- Continue to seek partnerships with other jurisdictions in the region and other agencies (such as the Housing Authority), housing developers, community stakeholders, and agricultural employers/employees to explore viable options for increasing the availability of farmworker housing in suitable locations in the region.



## APPENDIX 2G: CITY OF KINGSBURG

- Develop a directory of services and resources for lower-income households available in the region, and review and update it annually. Make the directory available on City/County websites and at City/County offices.

<b>Financing:</b>	General Fund
<b>Implementation Responsibility:</b>	Planning Department
<b>Relevant Policies:</b>	Policy 1.3, Policy 1.4, Policy 1.7, Policy 4.2, Policy 4.3, Policy 4.6

### Program 2: Review Annexation Standards in Memorandum of Understanding

All jurisdictions in Fresno County are subject to the City-County Memorandum of Understanding (MOU), which establishes procedures for annexation of land to cities. The City/County MOU encourages urban development to take place within cities and unincorporated communities in an effort to preserve agricultural land. The MOU standards for annexation require that development be imminent and a minimum of 50 percent of annexation areas have an approved tentative subdivision map or site plan. While cities can take certain steps to “prezone” land in advance of annexation, the annexation of the land into the city limits is dependent upon private developers to request an annexation.

#### *Timeframe and Objectives:*

- During the Housing Element planning period, the County of Fresno and the cities within the County shall work together to review and revise, as deemed appropriate by all parties, the standards for annexation contained in the Memorandum of Understanding between the County and the cities.

<b>Financing:</b>	General Fund
<b>Implementation Responsibility:</b>	City Manager
<b>Relevant Policies:</b>	Policy 1.1, Policy 1.3, Policy 1.4

## Adequate Sites

### Program 3: Provision of Adequate Sites

The City of Kingsburg will provide for a variety of housing types and ensure that adequate sites are available to meet its Regional Housing Needs Allocation (RHNA) of 374 units. As part of this Housing Element update, the City has developed a parcel-specific inventory of sites suitable for future residential development. The suitability of these sites has been determined based on the development standards in place and their ability to facilitate the development of housing to meet the needs of the City's current and future residents.

#### *Timeframe and Objectives:*

- Maintain and annually update the inventory of residential land resources.
- Provide the updated inventory on City website and make copies available upon request.
- Promote the use of Form Based Code in the downtown area by providing technical assistance to interested developers.
- Monitor development and other changes in the inventory to ensure the City has remaining capacity consistent with its share of the regional housing need.
- Actively participate in the development of the next RHNA Plan to better ensure that the allocations are reflective of the regional and local land use goals and policies.

<b>Financing:</b>	General Fund
<b>Implementation Responsibility:</b>	Planning Department
<b>Relevant Policies:</b>	Policy 1.1, Policy 1.2, Policy 1.3, Policy 1.4, Policy 1.5, Policy 1.6, Policy 1.7, Policy 1.8, Policy 1.9

### Program 4: Monitoring of Residential Capacity (No Net Loss)

The City will monitor the consumption of residential acreage and development on non-residential sites included in the inventory to ensure an adequate inventory is available to meet the City's RHNA obligations. To ensure sufficient residential capacity is maintained to accommodate the RHNA, the City will develop and implement a formal ongoing (project-by-project) evaluation procedure pursuant to Government Code Section 65863. Should an approval of development result in a reduction of capacity below the residential capacity needed to accommodate the remaining need for lower-income households, the City will identify and if necessary rezone sufficient sites to accommodate the shortfall and ensure "no net loss" in capacity to accommodate the RHNA.



*Timeframe and Objectives:*

- Develop and implement a formal evaluation procedure pursuant to Government Code Section 65863.
- Monitor and report through the HCD annual report process.
- If rezoning/upzoning is required to replenish the sites inventory for meeting the RHNA shortfall, the sites shall be adequate in size to accommodate at least 16 units per site at a minimum density of 20 units per acre, and shall be rezoned within two years.

<b>Financing:</b>	General Fund
<b>Implementation Responsibility:</b>	Planning Department
<b>Relevant Policies:</b>	Policy 1.1, Policy 1.2, Policy 1.3, Policy 1.4, Policy 1.5, Policy 1.6

**Program 5: Lot Consolidation and Lot Splits**

The City of Kingsburg's vacant sites inventory is primarily comprised of smaller parcels of less than half acre, potentially constraining residential development, especially to multifamily development. The City will encourage lot consolidation to promote the efficient use of land for residential development pursuant to the Subdivision Map Act.

*Timeframe and Objectives:*

- Assist interested developers/property owners in identifying opportunities for lot consolidation.
- Continue to process requests for lot consolidation concurrent with other development reviews.
- Annually monitor lot consolidation activities as part of the City annual report to HCD on Housing Element progress and evaluate if City efforts are effective in facilitating lot consolidation of small sites for residential development. If appropriate, make necessary changes to facilitate lot consolidation.

<b>Financing:</b>	General Fund
<b>Implementation Responsibility:</b>	Planning Department
<b>Relevant Policies:</b>	Policy 1.1, Policy 1.2, Policy 1.3, Policy 1.4, Policy 1.5, Policy 1.6

### Program 6: Water and Wastewater Capacity

The development viability of the vacant sites in the inventory is directly linked to the availability and capacity of public facilities and services. The City continues to work to address water supply issues and infrastructure capacity limitations.

Additionally, California Government Code Section 65589.7 requires water and sewer providers to establish specific procedures and grant priority water and sewer service to developments with units affordable to lower-income households. The statute also requires local governments to immediately deliver the housing element to water and sewer providers. The City of Kingsburg is the water service provider; the Selma-Kingsburg-Fowler County Sanitation District (SKF) provides sewer service in the City.

#### *Timeframe and Objectives:*

- Continue to monitor water and wastewater capacity and make improvements, as appropriate and feasible, to better serve existing development and strive to accommodate the RHNA.
- Establish procedures by the end of 2016 for granting priority water and sewer service to developments with lower-income units in compliance with California Government Code Section 65589.7.

<b>Financing:</b>	General Fund
<b>Implementation Responsibility:</b>	Planning Department
<b>Relevant Policies:</b>	Policy 1.7

## Affordable Housing Development and Preservation

### Program 7: Affordable Housing Incentives

The City continues to have needs for affordable housing for lower-income households, especially for seniors, disabled (including persons for developmental disabilities), the homeless, and those at imminent risk of becoming homeless. The City will continue to work with housing developers to expand affordable housing opportunities in the community.

#### *Timeframe and Objectives:*

- Maintain a list of interested developers and annually contact developers to explore affordable housing opportunities.



## APPENDIX 2G: CITY OF KINGSBURG

- Continue to promote the State density bonus, flexible development standards, and other incentives to facilitate affordable housing development by publicizing the incentives on City website and by conducting pre-application consultation with developers regarding incentives available.
- Continue to streamline the environmental review process for housing developments to the extent possible, using available state categorical exemptions and federal categorical exclusions, when applicable.
- Annually pursue State, Federal and other funding opportunities to increase the supply of safe, decent, affordable housing in Kingsburg for lower-income households (including extremely low-income households), such as seniors, disabled (including persons with developmental disabilities), farmworkers, the homeless, and those at risk of homelessness.
- Annually contact affordable housing developers to explore affordable housing opportunities.
- Expand the City's affordable housing inventory by 80 units over the next eight years (including the 46-unit Marion Villas Apartments) – 10 extremely low-income, 30 very low-income, and 40 low-income units.

<b>Financing:</b>	HOME, CDBG, Successor Agency funds, LIHTC, Multi-Family Housing Revenue Bond, and other funding sources as available
<b>Implementation Responsibility:</b>	Planning Department
<b>Relevant Policies:</b>	Policy 1.2, Policy 2.1, Policy 2.2, Policy 2.3, Policy 2.4, Policy 2.5, Policy 2.6, Policy 2.7

### Program 8: Farmworker Housing

The farming industry is the foundation of the County's economy base. According to the USDA, National Agricultural Statistics Service (NASS) 2012, about 58,600 workers were employed in farm labor throughout the County, indicating a significant need to provide housing for farmworkers and their families, particularly during peak harvest seasons.

#### *Timeframe and Objectives:*

- Continue to support and encourage other agencies and housing developers, such as the Fresno Housing Authority and Self-Help Enterprises, in the application of funds for farmworker housing, including State HCD and USDA Rural Development loans and grants and other funding sources that may become available.
- Continue to offer incentives such as gap financing (as funding is available), density bonus, streamlined processing to facilitate the development of farmworker housing.

- Annually monitor the status of farmworker housing as part of the City’s annual report to HCD on Housing Element progress and evaluate if City efforts are effective in facilitating the provision of farmworker housing. If appropriate, make necessary changes to enhance opportunities and incentives for farmworker housing development.

<b>Financing:</b>	General Fund
<b>Implementation Responsibility:</b>	Planning Department
<b>Relevant Policies:</b>	Policy 1.2, Policy 2.1, Policy 2.3, Policy 2.4, Policy 2.5

### Program 9: Preserving Assisted Housing

Preserving the existing affordable housing stock is a cost-effective approach to providing affordable housing in Kingsburg. The City must guard against the loss of housing units available to lower-income households. This City has a total of 187 publicly assisted rental units in three projects. In addition, a new 46-unit senior housing development is under construction. No publicly assisted rental housing units are considered at risk of converting to market-rate housing before December 31, 2025

#### *Timeframe and Objectives:*

- Continue to monitor status of affordable housing projects. If projects become at risk of converting to market-rate housing:
  - Monitor the status of any Notice of Intent and Plan of Action filed by property owners to convert to market-rate units.
  - Identify nonprofit organizations as potential purchasers/managers of at-risk housing units.
  - Explore funding sources available to purchase affordability covenants on at-risk projects, transfer ownership of at-risk projects to public or nonprofit agencies, purchase existing buildings to replace at-risk units, or construct replacement units.
  - Ensure the tenants are properly noticed and informed of their rights and eligibility to obtain special Housing Choice Vouchers reserved for tenants of converted HUD properties.

<b>Financing:</b>	General Fund
<b>Implementation Responsibility:</b>	Planning Department
<b>Relevant Policies:</b>	Policy 3.6



**Program 10: Accessory Units (Second Units)**

A second unit (sometimes called an “accessory dwelling unit” or “granny flat”) is an additional self-contained living unit either attached to or detached from the primary residential unit on a single lot. It has cooking, eating, sleeping, and full sanitation facilities. Second units can be an important source of affordable housing given that they are generally less expensive to construct due to their typically smaller sizes and no associated land costs.

***Timeframe and Objectives:***

- By 2019, consider fee reductions for second units and implement a public education program advertising the opportunity for second units through the City website and at the planning counter.

<b>Financing:</b>	General Fund
<b>Implementation Responsibility:</b>	Planning Department
<b>Relevant Policies:</b>	Policy 2.6

**Removal of Governmental Constraints****Program 11: Zoning Code Amendments**

In compliance with State laws, the City will amend its Zoning Code to address the provision of a variety of housing options, especially housing for special needs groups. Specifically, the City will amend the Zoning Code to address the following:

- **Density Bonus:** Consistent with Government Code, a density bonus up to 35 percent over the otherwise maximum allowable residential density under the applicable zoning district will be available to developers who provide affordable housing as part of their projects. Developers of affordable housing will also be entitled to receive incentives on a sliding scale to a maximum of three, where the amount of density bonus and number of incentives vary according to the amount of affordable housing units provided.
- **Farmworker/Employee Housing:** Comply with the Employee Housing Act which requires farmworker housing up to 12 units or 36 beds be considered an agricultural use and permitted in any zone that permits agricultural uses, and employee housing for six or fewer employees are to be treated as a single family structure and permitted in the same manner as other dwellings of the same type in the same zone.
- **Reasonable Accommodation:** Establish a reasonable accommodation procedure to provide flexibility in policies, rules, and regulations in order to allow persons with disabilities access to

housing.

- **Definition of Family:** Remove the definition of family in the Zoning Code, or amend the definition to ensure it does not differentiate between related and unrelated individuals, or impose a numerical limit on the number of persons in a family.
- **Manufactured Homes:** Amend the Zoning code to subject permanently sited manufactured homes built to the HUD Code to the same rules as site-built homes in the same zones. Currently manufactured homes are subject to an Administrative Review where site-built homes are permitted by right.
- **Single-Room Occupancy (SRO) Housing:** Amend the Zoning Code to address the provision of SRO housing.
- **Small Residential Care Facilities:** Amend the Zoning Code the address the provision of small residential care facilities in the RA zone.

***Timeframe and Objectives:***

- Amend Zoning Code to address State law requirements within two years of Housing Element adoption.
- Annually review the effectiveness and appropriateness of the Zoning Code and process any necessary amendments to remove or mitigate potential constraints to the development of housing.

<b>Financing:</b>	General Fund
<b>Implementation Responsibility:</b>	Planning Department
<b>Relevant Policies:</b>	Policy 4.1, Policy 4.2, Policy 4.3, Policy 4.4, Policy 4.5, Policy 4.6

**Program 12: Monitoring of Growth Management System**

Pursuant to State law, the City must ensure that its policies and regulations governing residential in the City do not preclude the City from meeting its RHNA for all income levels. The City's current Growth Management System provides adequate allocations to meet the overall RHNA. The City will monitor its annual and cumulative allocations to ensure that remaining allocations can accommodate its RHNA for all income levels.



*Timeframe and Objectives:*

- As part of the City's annual allocation process, monitor the remaining allocations available. As necessary to meet the City's RHNA for all income levels, consider prioritizing allocations to projects that help meet the City's RHNA.
- By 2018 and at least bi-annually, monitor and modify as appropriate, the Growth Management System to ensure that the allocation process does not unduly constrain housing development in the community.

<b>Financing:</b>	General Fund
<b>Implementation Responsibility:</b>	Planning Department; Planning Commission; City Council
<b>Relevant Policies:</b>	Policy 4.1, Policy 4.2, Policy 4.3, Policy 4.4, Policy 4.5, Policy 4.6

**Program 13: Monitoring of Planning and Development Fees**

The City charges various fees to review and process development applications. Such fees may add to the cost of housing development.

*Timeframe and Objectives:*

- Continue to monitor the various fees charged by the City to ensure they do not unduly constrain housing development.
- As appropriate, consider incentives such as deferred or reduced fees to facilitate affordable housing development.

<b>Financing:</b>	General Fund
<b>Implementation Responsibility:</b>	Planning Department
<b>Relevant Policies:</b>	Policy 4.1, Policy 4.2, Policy 4.3, Policy 4.4, Policy 4.5, Policy 4.6

## Housing Quality

### Program 14: Fresno County Housing Assistance Rehabilitation Program (HARP)

This program provides loans to qualifying homeowners in the unincorporated County and participating cities for the improvement of their homes. The City of Kingsburg is a participating city. Eligible improvements include energy efficiency upgrades and installations, health and safety and hazard corrections, and accessibility modifications. Loan terms under this program vary according to household income and the improvements and repairs that are needed.

#### *Timeframe and Objectives:*

- Promote available housing rehabilitation resources on the City website and public counters.
- Refer interested households to County program with the goal of assisting four low-income households during the planning period.

<b>Financing:</b>	CDBG and HOME funds
<b>Implementation Responsibility:</b>	Planning Department
<b>Relevant Policies:</b>	Policy 3.2, Policy 4.1

### Program 15: Fresno County Rental Rehabilitation Program (RRP)

This program provides no interest loans to qualifying property owners in the unincorporated County and participating cities for making improvements to their rental properties. The City of Kingsburg is a participating city. Eligible improvements include repairing code deficiencies, completing deferred maintenance, lead-based paint and asbestos abatement, HVAC repairs, energy efficiency upgrades, accessibility modifications, and kitchen and bathroom upgrades.

#### *Timeframe and Objectives:*

- Promote available housing rehabilitation resources on the City website and public counters.
- Refer interested property owners to County program.

<b>Financing:</b>	HOME funds
<b>Implementation Responsibility:</b>	Planning Department
<b>Relevant Policies:</b>	Policy 3.2, Policy 4.1



**Program 16: Code Enforcement**

The City's Building Division is in charge of the enforcing the City's building codes with the objective of protecting the health and safety of residents.

*Timeframe and Objectives:*

- Continue to utilize code enforcement and substandard abatement processes to bring substandard housing units and residential properties into compliance with city codes.
- Refer income-eligible households to County housing rehabilitation programs for assistance in making the code corrections.

<b>Financing:</b>	General Fund
<b>Implementation Responsibility:</b>	Building Department
<b>Relevant Policies:</b>	Policy 1.8, Policy 2.5, Policy 3.1, Policy 3.2, Policy 3.3, Policy 3.4, Policy 3.5, Policy 4.1

**Housing Assistance****Program 17: Fresno County Homebuyer Assistance Program (HAP)**

City of Kingsburg participates in the County's Homebuyer Assistance Program. This program assists lower-income families with purchasing their first home by providing a zero interest, deferred payment loan that does not exceed 20 percent of the purchase price of the single family residence (plus loan closing costs). Households earning up to 80 percent AMI in unincorporated Fresno County and participating cities are eligible for this program.

*Timeframe and Objectives:*

- Promote available homebuyer resources on the City website and public counters.
- Refer interested households to County program with the goal of assisting four households.

<b>Financing:</b>	HOME funds
<b>Implementation Responsibility:</b>	Planning Department
<b>Relevant Policies:</b>	Policy 2.8

### Program 18: First-Time Homebuyer Resources

Kingsburg residents have access to a number of homebuyer assistance programs offered by the California Housing Finance Agency (CalHFA):

- Mortgage Credit Certificate (MCC): The MCC Tax Credit is a federal credit which can reduce potential federal income tax liability, creating additional net spendable income which borrowers may use toward their monthly mortgage payment. This MCC Tax Credit program may enable first-time homebuyers to convert a portion of their annual mortgage interest into a direct dollar for dollar tax credit on their U.S. individual income tax returns.
- CalPLUS Conventional Program: This is a first mortgage loan insured through private mortgage insurance on the conventional market. The interest rate on the CalPLUS Conventional is fixed throughout the 30-year term. The CalPLUS Conventional is combined with a CalHFA Zero Interest Program (ZIP), which is a deferred-payment junior loan of three percent of the first mortgage loan amount, for down payment assistance.
- CalHFA Conventional Program: This is a first mortgage loan insured through private mortgage insurance on the conventional market. The interest rate on the CalHFA Conventional is fixed throughout the 30-year term.

CalHFA loans are offered through local loan officers approved and trained by CalHFA.

#### *Timeframe and Objectives:*

- Promote available homebuyer resources on City website and public counters in 2016.
- Annually review funding resources available at the state and federal levels and pursue as appropriate to provide homebuyer assistance.

<b>Financing:</b>	CalHFA
<b>Implementation Responsibility:</b>	Planning Department
<b>Relevant Policies:</b>	Policy 2.8



**Program 19: Energy Conservation**

The City promotes energy conservation in housing development and rehabilitation.

***Timeframe and Objectives:***

- Consider incentives to promote green building techniques and features in 2017, and as appropriate, adopt incentives in 2018.
- Continue to promote and support Pacific Gas and Electric (PG&E) Company programs that provide energy efficiency rebates for qualifying energy-efficient upgrades by providing a link to PG&E programs on City website and make available brochures about PG&E programs at City counters.
- Expedite review and approval of alternative energy devices.

<b>Financing:</b>	General Fund
<b>Implementation Responsibility:</b>	Planning Department
<b>Relevant Policies:</b>	Policy 6.1, Policy 6.2, Policy 6.3

**Program 20: Housing Choice Vouchers**

The Housing Choice Voucher (HCV) Program extends rental subsidies to extremely low- and very low-income households, including families, seniors, and the disabled. The program offers a voucher that pays the difference between the current fair market rent (FMR) as established by the HUD and what a tenant can afford to pay (i.e. 30 percent of household income). The Fresno Housing Authority administers the housing choice voucher program in Fresno County.

***Timeframe and Objectives:***

- Provide information on the HCV program on City website and public counters in 2016.
- Refer interested households to the Fresno Housing Authority and encourage landlords to register their properties with the Housing Authority for accepting HCVs.
- Work with the Housing Authority to disseminate information on incentives for participating in the HCV program throughout the City neighborhoods with varying income levels to promote housing opportunities for all residents.

<b>Financing:</b>	HUD Section 8
<b>Implementation Responsibility:</b>	Planning Department
<b>Relevant Policies:</b>	Policy 2.2

### **Program 21: Fair Housing**

Residents in the Central Valley, including Fresno County, can access fair housing services provided by the Fair Housing Council of Central Valley (FHCCC). FHCCC offers mediation, counseling, advocacy, research, and fair housing training and workshops for residents as well as housing providers. Other fair housing resources include the Fresno Housing Authority, Fair Housing and Equal Opportunity (FHEO) division of HUD, and the State Department of Fair Employment and Housing (DFEH). The City will assist in promoting fair housing resources available in the region.

#### ***Timeframe and Objectives:***

- Participate in the Fresno Urban County's efforts in updating the Analysis of Impediments to Fair Housing Choice required by the CDBG program.
- Work collaboratively with other jurisdictions in the region to provide education to lenders, real estate professionals, and the community at large.
- Actively advertise fair housing resources at the public counter, community service agencies, public libraries, and City website.
- Refer fair housing complaints to HUD, DEFH, Fair Housing Council of Central California, and other housing agencies, as appropriate.

<b>Financing:</b>	CDBG; HOME; Other resources as available
<b>Implementation Responsibility:</b>	City of Kingsburg; FHCCC; Fresno Housing Authority; FHEO; DFEH
<b>Relevant Policies:</b>	Policy 5.1, Policy 5.2



## Quantified Objectives

The Housing Element must contain quantified objectives for the maintenance, preservation, improvement, and development of housing. The quantified objectives set a target goal to achieve based on needs, resources, and constraints. Table 2G-1 shows the quantified objectives for the 2015-2023 Housing Element planning period. These quantified objectives represent targets. They are not designed to be minimum requirements. They are estimates based on past experience, anticipated funding levels, and expected housing market conditions.

**Table 2G-1 Summary of Quantified Objectives – 2015-2023**

Project Types	Extremely Low Income	Very Low Income	Low Income	Moderate Income	Above Moderate Income	Total
New Construction	10	30	40	40	200	320
Rehabilitation	--	--	4	--	--	4
Homebuyer Assistance	--	--	4	--	--	4
Conservation (Subsidized Rental Housing and Public Housing)	--	116	117	--	--	233

Note: New construction objective is based on a one-percent growth annually. The lower income units include the 46-unit Marion Villas Apartments.

## SECTION 2G-2: SITES INVENTORY

### Fourth Cycle Housing Element - AB 1233 RHNA Carryover Analysis

AB 1233 was signed into law on October 5, 2005 and applies to housing elements due on or after January 1, 2006. Specifically, the law states that if a jurisdiction fails to provide adequate sites in the prior planning period, within one year of the new cycle, the jurisdiction must rezone/upzone adequate sites to accommodate the shortfall. This requirement is in addition to rezoning/upzoning that may be needed to address the Regional Housing Needs Allocation (RHNA) for the new cycle.

This law affects the City of Kingsburg's 2015-2023 Housing Element, requiring the City to address its deficit in sites, if any, for the previous housing element cycle (2008-2015, extended from 2013 by legislation). The City of Kingsburg did not submit a fourth cycle (2008-2015) Housing Element for State HCD review or adopt an official Housing Element for the previous planning period. Consequently, the fifth cycle update must demonstrate the City's ability in meeting its prior RHNA, and roll over any shortfall in sites to the new planning period.

In the previous planning period, the RHNA assigned to the City of Kingsburg was 1,213 units (314 very low-income, 230 low-income, 170 moderate-income, and 499 above moderate-income units). The previous RHNA period covered from January 1, 2006 through June 30, 2013 (extended through December 31, 2015 by legislation). The potential AB 1233 penalty will be equal to the portion of RHNA not accommodated either through actual housing production or land made available for residential development within each income category. To determine any potential penalty, the analysis in this Housing Element uses the following approach outlined by HCD:

- Step 1: Subtracting the number of housing units constructed, under construction, permitted, or approved since January 1, 2006 by income/affordability level; and
- Step 2: Subtracting the number of units that could be accommodated on any appropriately zoned sites available in the City during the RHNA cycle.

### ***Progress toward Fourth Cycle RHNA***

Since January 1, 2006, the City issued building permits for 274 new residential units, including 228 single family homes and a 46-unit affordable senior housing project. The 46-unit project includes 21 very low-income units, 24 low-income units, and one manager's unit (assumed to be at moderate-income level). Therefore, the City must demonstrate adequate sites for 293 very low-, 206 low-, 169 moderate-income, and 271 above moderate-income units, for a total of 939 units from the prior RHNA planning period.



**Table 2G-2 Permits Issued, Kingsburg, January 1, 2006 – December 31, 2014**

Affordability Methodology	Units by Income Level				Total Units
	VLI	LI	MI	AMI	
Deed-restricted affordable	21	24	1		46
Market-rate single family				309	228
<b>Total</b>	<b>21</b>	<b>24</b>	<b>1</b>	<b>228</b>	<b>274</b>

Source: City of Kingsburg, 2014.

### **Vacant Sites Available**

In assessing if the City would incur any RHNA penalty from the previous planning period, this section examined the amount of vacant land available in the city with the potential for residential development. Table 2G-3 below summarizes the amount of vacant land available as of December 2014. The sites inventory uses the following assumptions:

- **Relation of density to income categories.** The following assumptions were used to determine the income categories according to the allowed densities for each site:
  - **Lower-income Sites.** Based on a market analysis of affordable housing projects in the region, sites that allow at least 16 units per acre were inventoried as feasible for lower-income (low- and very low-income) residential development in accordance with the market-based analysis included in this housing element. This includes sites with the Zoning below:
    - Sites that are Multi-Family Residential (RM-2.5, RM-2) (up to 17.4 units per acre);
    - Sites that are zoned Central Commercial (CC) (no density specified); and
    - Sites that are zoned Mixed Use Combining District (MXU) (any uses identified in the General Plan land use diagram are eligible for consideration, including High Density Residential Use up to 22 units per acre).
  - **Moderate-Income Sites.** Sites that are zoned Residential Medium allow for a density range of 8.1 to 14.5 dwelling units per net acre. Typical dwelling units include small apartments and other attached units. These areas were inventoried as feasible for moderate-income residential development.
    - Sites that are Multi-Family Residential (RM-MH-5.5) (up to 7.9 units per acre);
    - Sites that are Multi-Family Residential (RM-MH-5.4) (up to 8.1 units per acre); and
    - Sites that are Multi-Family Residential (RM-3) (up to 14.5 units per acre).
  - **Above Moderate-Income Sites.** All other sites, which allow only single family homes at lower densities, were inventoried as above moderate-income units.
- **Realistic Development Potential.** The CC district has no density limit. Development potential

in the CC district is determined by estimating a building envelope using with the following development standards:

- No limitation on lot coverage
- 15-foot yard requirements
- 75-foot height limit
- No more than 25 percent of the residential units may be located on the ground floor;
- Ground floor units may not be located along street frontages; and
- After parking structure, garages, or carports have been deducted, no more than 50 percent of the ground floor building area may be occupied by residential units.

A recent (2013) affordable senior housing project in the CC zone was constructed at 33.3 units per acre. Assuming non-senior housing may have a larger average unit size, a density of 25 units per acre can easily be achieved within the flexible building envelope.

The MXU district is intended to facilitate development within the former redevelopment project areas characterized by a mixture of existing uses, blighted structures and sites, and inadequate existing improvements. The MXU district offers flexibility in uses to enhance economic feasibility for redeveloping these properties – all land uses identified in the City’s General Plan may be considered, including stand-alone residential under the General Plan designation of High Density Residential (up to 22 units per acre). Single family use is not allowed in the MXU district, ensuring the efficient use of land.

For the purpose of this analysis, development potential on properties zoned CC and within the MXU is based on the CC zoning, which offers flexible development standards with no specified density limit.

For other zoning districts where there a density limit is established, the development potential is estimated at 80 percent of the allowable density. This density limit is consistent with typical suburban development. Furthermore, for the RM-2 and RM-2.5 districts, estimating development potential at 80 percent of the allowable density (80 percent of 17.4 units per acre) would yield an average density of 13.9 units per acre, below the allowable density of the lower density district of RM-3 (allowable up to 14.5 units per acre).

To receive credits for sites available to accommodate the City’s fourth cycle RHNA, State law requires that adequate zoning must be available prior to the beginning of the prior Housing Element period (i.e., July 1, 2009). Table 2G-3 summarizes the vacant sites that are available for residential development in Kingsburg within the current city limits, based on zoning standards that were in place prior to July 1, 2009. The locations of these sites are shown in Figure 2G-1. Table 2G-4 provides a detailed listing of the vacant parcels.



Table 2G-3 Summary of Vacant Sites Inventory – Zoning Existed Prior to July 2009

Zoning	Acres	No. of Parcels	Max Units/ Acre	Average Units/acre	DU Capacity
R-1-10	8.83	33	4.4	3.52	34
R-1-7	3.85	15	6.2	4.96	19
RM-5.5	0.13	1	7.9	6.32	1
RM-3	11.74	8	14.5	11.6	136
RM-2					
Within MXU	0.48	2	22	17.6	9
Outside MXU	0.46	4	17.4	13.92	6
HC					
Within MXU	32.21	36	22	17.6	572
CC					
Within MXU	9.68	15	Not Specified	25.0	243
Outside MXU	2.69	11	Not Specified	25.0	67
<b>Total</b>	<b>70.07</b>	<b>125</b>			<b>1,087</b>

Table 2G-4 Vacant Sites, Kingsburg, December 2014

APN	Size (acres)	Existing Zoning	General Plan Land Use	Existing Use	Max. Density (per acre)	Units by Income Level			Total Realistic Development Potential	Environmental Constraints
						LJ	MI	AMI		
39604315	0.04	CC	Central Commercial	Vacant	25	1			1	None
39605103	1.33	CC	Central Commercial	Vacant	25	33			33	None
39605109	0.08	CC	Central Commercial	Vacant	25	2			2	None
39607213	0.16	CC	Central Commercial	Vacant Land with Minor Imps Only	25	4			4	None
39607304	0.25	CC	Central Commercial	Vacant Land with Minor Imps Only	25	6			6	None
39607305	0.16	CC	Central Commercial	Vacant Land with Minor Imps Only	25	4			4	None
39607306	0.16	CC	Central Commercial	Vacant Land with Minor Imps Only	25	4			4	None
39607401	0.07	CC	Central Commercial	Vacant Land with Minor Imps Only	25	2			2	None
39607402	0.10	CC	Central Commercial	Vacant Land with Minor Imps Only	25	3			3	None
39610211	0.25	CC	Central Commercial	Vacant	25	6			6	None
39606401	0.09	CC	Central Commercial	Vacant	25	2			2	None
<i>Subtotal</i>	<i>2.69</i>					<i>67</i>			<i>67</i>	
39404410	1.16	CC/MXU	Central Commercial	Vacant	25	29			29	None
39505038	1.99	CC/MXU	Central Commercial	Vacant	25	50			50	None
39603111	1.28	CC/MXU	Central Commercial	Vacant	25	32			32	None
39604316	1.56	CC/MXU	Central Commercial	Vacant	25	39			39	None
39606301	0.54	CC/MXU	Central Commercial	Vacant	25	14			14	None
39606409	0.33	CC/MXU	Central Commercial	Vacant Land with Minor Imps Only	25	8			8	None
39606410	0.25	CC/MXU	Central Commercial	Vacant Land with Minor Imps Only	25	6			6	None
39608303	0.25	CC/MXU	Central Commercial	Vacant	25	6			6	None



Table 2G-4 Vacant Sites, Kingsburg, December 2014

APN	Size (acres)	Existing Zoning	General Plan Land Use	Existing Use	Max. Density (per acre)	Units by Income Level			Total Realistic Development Potential	Environmental Constraints
						LI	MI	AMI		
39608305	0.26	CC/MXU	Central Commercial	Vacant Land with Minor Imps Only	25	7			7	None
39612122	0.13	CC/MXU	Central Commercial	Vacant	25	3			3	None
39612123	0.20	CC/MXU	Central Commercial	Vacant	25	5			5	None
39612124	0.31	CC/MXU	Central Commercial	Vacant	25	8			8	None
39612125	0.30	CC/MXU	Central Commercial	Vacant	25	8			8	None
39505040S	0.75	CC/MXU	Central Commercial	Vacant	25	19			19	None
39608109	0.37	CC/MXU	Central Commercial	Vacant Land with Minor Imps Only	25	9			9	None
<i>Subtotal</i>	<i>9.68</i>					<i>243</i>			<i>243</i>	
39404207	0.90	HC/MXU	Highway Commercial	Vacant	22	16			16	None
39439004	0.69	HC/MXU	Highway Commercial	Vacant	22	12			12	None
39439008	1.34	HC/MXU	Highway Commercial	Vacant	22	24			24	None
39439009	1.34	HC/MXU	Highway Commercial	Vacant	22	24			24	None
39439010	1.34	HC/MXU	Highway Commercial	Vacant	22	24			24	None
39439011	1.34	HC/MXU	Highway Commercial	Vacant	22	24			24	None
39439012	0.28	HC/MXU	Highway Commercial	Vacant	22	5			5	None
39439013	0.33	HC/MXU	Highway Commercial	Vacant	22	6			6	None
39439014	0.54	HC/MXU	Highway Commercial	Vacant	22	10			10	None
39439015	0.55	HC/MXU	Highway Commercial	Vacant	22	10			10	None
39439016	0.33	HC/MXU	Highway Commercial	Vacant	22	6			6	None
39439017	0.28	HC/MXU	Highway Commercial	Vacant	22	5			5	None
39439018	0.37	HC/MXU	Highway Commercial	Vacant	22	7			7	None
39439019	0.45	HC/MXU	Highway Commercial	Vacant	22	8			8	None
39439020	0.57	HC/MXU	Highway Commercial	Vacant	22	10			10	None
39440001	0.77	HC/MXU	Highway Commercial	Vacant	22	14			14	None

Table 2G-4 Vacant Sites, Kingsburg, December 2014

APN	Size (acres)	Existing Zoning	General Plan Land Use	Existing Use	Max. Density (per acre)	Units by Income Level			Total Realistic Development Potential	Environmental Constraints
						LI	MI	AMI		
39440003	0.78	HC/MXU	Highway Commercial	Vacant	22	14			14	None
39440008	0.28	HC/MXU	Highway Commercial	Vacant	22	5			5	None
39440009	0.33	HC/MXU	Highway Commercial	Vacant	22	6			6	None
39440010	0.53	HC/MXU	Highway Commercial	Vacant	22	9			9	None
39440011	0.56	HC/MXU	Highway Commercial	Vacant	22	10			10	None
39404205	1.98	HC/MXU	Highway Commercial	Vacant	22	35			35	None
39404206	0.94	HC/MXU	Highway Commercial	Vacant	22	17			17	None
39404208	1.76	HC/MXU	Highway Commercial	Vacant	22	31			31	None
39440004	1.23	HC/MXU	Highway Commercial	Vacant	22	22			22	None
39440005	1.42	HC/MXU	Highway Commercial	Vacant	22	25			25	None
39440006	2.79	HC/MXU	Highway Commercial	Vacant	22	49			49	None
39440007	1.42	HC/MXU	Highway Commercial	Vacant	22	25			25	None
39440012	0.36	HC/MXU	Highway Commercial	Vacant	22	6			6	None
39440013	0.48	HC/MXU	Highway Commercial	Vacant	22	8			8	None
39440019	2.11	HC/MXU	Highway Commercial	Vacant	22	37			37	None
39440020	1.35	HC/MXU	Highway Commercial	Vacant	22	24			24	None
39404212	0.42	HC/MXU	Highway Commercial	Vacant	22	7			7	None
39513137	0.66	HC/MXU	Highway Commercial	Vacant	22	12			12	None
39513138	0.62	HC/MXU	Highway Commercial	Vacant	22	11			11	None
39440002	0.77	HC/MXU	Highway Commercial	Vacant	22	14			14	None
39404207	0.90	HC/MXU	Highway Commercial	Vacant	22	16			16	None
39439004	0.69	HC/MXU	Highway Commercial	Vacant	22	12			12	None
39439008	1.34	HC/MXU	Highway Commercial	Vacant	22	24			24	None
39439009	1.34	HC/MXU	Highway Commercial	Vacant	22	24			24	None
39439010	1.34	HC/MXU	Highway Commercial	Vacant	22	24			24	None



Table 2G-4 Vacant Sites, Kingsburg, December 2014

APN	Size (acres)	Existing Zoning	General Plan Land Use	Existing Use	Max. Density (per acre)	Units by Income Level			Total Realistic Development Potential	Environmental Constraints
						LJ	MI	AMI		
39439011	1.34	HC/MXU	Highway Commercial	Vacant	22	24			24	None
39439012	0.28	HC/MXU	Highway Commercial	Vacant	22	5			5	None
39439013	0.33	HC/MXU	Highway Commercial	Vacant	22	6			6	None
39439014	0.54	HC/MXU	Highway Commercial	Vacant	22	10			10	None
39439015	0.55	HC/MXU	Highway Commercial	Vacant	22	10			10	None
39439016	0.33	HC/MXU	Highway Commercial	Vacant	22	6			6	None
39439017	0.28	HC/MXU	Highway Commercial	Vacant	22	5			5	None
39439018	0.37	HC/MXU	Highway Commercial	Vacant	22	7			7	None
39439019	0.45	HC/MXU	Highway Commercial	Vacant	22	8			8	None
39439020	0.57	HC/MXU	Highway Commercial	Vacant	22	10			10	None
39440001	0.77	HC/MXU	Highway Commercial	Vacant	22	14			14	None
39440003	0.78	HC/MXU	Highway Commercial	Vacant	22	14			14	None
39440008	0.28	HC/MXU	Highway Commercial	Vacant	22	5			5	None
39440009	0.33	HC/MXU	Highway Commercial	Vacant	22	6			6	None
39440010	0.53	HC/MXU	Highway Commercial	Vacant	22	9			9	None
39440011	0.56	HC/MXU	Highway Commercial	Vacant	22	10			10	None
39404205	1.98	HC/MXU	Highway Commercial	Vacant	22	35			35	None
39404206	0.94	HC/MXU	Highway Commercial	Vacant	22	17			17	None
39404208	1.76	HC/MXU	Highway Commercial	Vacant	22	31			31	None
39440004	1.23	HC/MXU	Highway Commercial	Vacant	22	22			22	None
39440005	1.42	HC/MXU	Highway Commercial	Vacant	22	25			25	None
39440006	2.79	HC/MXU	Highway Commercial	Vacant	22	49			49	None
39440007	1.42	HC/MXU	Highway Commercial	Vacant	22	25			25	None
39440012	0.36	HC/MXU	Highway Commercial	Vacant	22	6			6	None
39440013	0.48	HC/MXU	Highway Commercial	Vacant	22	8			8	None

Table 2G-4 Vacant Sites, Kingsburg, December 2014

APN	Size (acres)	Existing Zoning	General Plan Land Use	Existing Use	Max. Density (per acre)	Units by Income Level			Total Realistic Development Potential	Environmental Constraints
						LI	MI	AMI		
39440019	2.11	HC/MXU	Highway Commercial	Vacant		22	37		37	None
39440020	1.35	HC/MXU	Highway Commercial	Vacant		22	24		24	None
39404212	0.42	HC/MXU	Highway Commercial	Vacant		22	7		7	None
39513137	0.66	HC/MXU	Highway Commercial	Vacant		22	12		12	None
39513138	0.62	HC/MXU	Highway Commercial	Vacant		22	11		11	None
39440002	0.77	HC/MXU	Highway Commercial	Vacant		22	14		14	None
<i>Subtotal</i>	<i>32.21</i>						<i>572</i>		<i>572</i>	
39606209	0.05	RM-2	High Density Residential	Vacant	17.4		1		1	None
39606225	0.07	RM-2	High Density Residential	Vacant	17.4		1		1	None
39612204	0.17	RM-2	High Density Residential	Vacant	17.4		2		2	None
39612217	0.17	RM-2	High Density Residential	Vacant	17.4		2		2	None
<i>Subtotal</i>	<i>0.46</i>						<i>6</i>		<i>6</i>	
39615101	0.33	RM-2/MXU	High Density Residential	Vacant	22	22	6		6	None
39615111	0.15	RM-2/MXU	High Density Residential	Vacant	22	22	3		3	None
<i>Subtotal</i>	<i>0.48</i>						<i>9</i>		<i>9</i>	
39404409	5.54	RM-3	Medium Density	Vacant	14.5	14.5	64		64	None
39416503	0.17	RM-3	Medium Density	Vacant	14.5	14.5	2		2	None
39425116	1.31	RM-3	Medium Density	Vacant	14.5	14.5	15		15	None
39425117	4.15	RM-3	Medium Density	Vacant	14.5	14.5	48		48	None
39437008	0.07	RM-3	Medium Density	Vacant	14.5	14.5	1		1	None
39517311	0.28	RM-3	Medium Density	Vacant	14.5	14.5	3		3	None
39616112	0.07	RM-3	Medium Density	Vacant	14.5	14.5	1		1	None
39616113	0.15	RM-3	Medium Density	Vacant	14.5	14.5	2		2	None
<i>Subtotal</i>	<i>11.74</i>						<i>136</i>		<i>136</i>	
39509227	0.13	RM-5.5	Medium Density Residential	Vacant	7.9	7.9	1		1	None



Table 2G-4 Vacant Sites, Kingsburg, December 2014

APN	Size (acres)	Existing Zoning	General Plan Land Use	Existing Use	Max. Density (per acre)	Units by Income Level			Total Realistic Development Potential	Environmental Constraints
						LI	MI	AMI		
<i>Subtotal</i>	0.13							1	1	
39337011	0.16	R-1-7	Low Density Residential	Vacant	6.2			1	1	None
39406018	0.58	R-1-7	Low Density Residential	Vacant	6.2			3	3	None
39424402	0.20	R-1-7	Low Density Residential	Vacant	6.2			1	1	None
39427501	0.29	R-1-7	Low Density Residential	Vacant	6.2			1	1	None
39438041	0.21	R-1-7	Low Density Residential	Vacant	6.2			1	1	None
39438042	0.22	R-1-7	Low Density Residential	Vacant	6.2			1	1	None
39504079	0.16	R-1-7	Low Density Residential	Vacant	6.2			1	1	None
39508105	0.17	R-1-7	Low Density Residential	Vacant	6.2			1	1	None
39508231	0.16	R-1-7	Low Density Residential	Vacant	6.2			1	1	None
39616313	0.21	R-1-7	Low Density Residential	Vacant	6.2			1	1	None
39619009	0.20	R-1-7	Low Density Residential	Vacant	6.2			1	1	None
39620119	0.21	R-1-7	Low Density Residential	Vacant	6.2			1	1	None
39438004S	0.22	R-1-7	Low Density Residential	Vacant	6.2			1	1	None
39524005S	0.17	R-1-7	Low Density Residential	Vacant	6.2			1	1	None
39433305	0.69	R-1-7	Low Density Residential	Vacant	6.2			3	3	None
<i>Subtotal</i>	3.85							19	19	
39429022	0.23	R-1-10	Low Density Residential	Vacant	4.4			1	1	None
39429024	0.30	R-1-10	Low Density Residential	Vacant	4.4			1	1	None
39429025	0.30	R-1-10	Low Density Residential	Vacant	4.4			1	1	None
39429026	0.31	R-1-10	Low Density Residential	Vacant	4.4			1	1	None
39429028	0.25	R-1-10	Low Density Residential	Vacant	4.4			1	1	None
39429029	0.23	R-1-10	Low Density Residential	Vacant	4.4			1	1	None
39429030	0.23	R-1-10	Low Density Residential	Vacant	4.4			1	1	None
39429031	0.24	R-1-10	Low Density Residential	Vacant	4.4			1	1	None

Table 2G-4 Vacant Sites, Kingsburg, December 2014

APN	Size (acres)	Existing Zoning	General Plan Land Use	Existing Use	Max. Density (per acre)	Units by Income Level			Total Realistic Development Potential	Environmental Constraints
						LI	MI	AMI		
39429033	0.26	R-1-10	Low Density Residential	Vacant	4.4			1	1	None
39429034	0.25	R-1-10	Low Density Residential	Vacant	4.4			1	1	None
39429037	0.25	R-1-10	Low Density Residential	Vacant	4.4			1	1	None
39429038	0.25	R-1-10	Low Density Residential	Vacant	4.4			1	1	None
39429039	0.23	R-1-10	Low Density Residential	Vacant	4.4			1	1	None
39429044	0.21	R-1-10	Low Density Residential	Vacant	4.4			1	1	None
39432118	0.31	R-1-10	Low Density Residential	Vacant	4.4			1	1	None
39432119	0.26	R-1-10	Low Density Residential	Vacant	4.4			1	1	None
39432120	0.34	R-1-10	Low Density Residential	Vacant	4.4			1	1	None
39432121	0.24	R-1-10	Low Density Residential	Vacant	4.4			1	1	None
39432124	0.23	R-1-10	Low Density Residential	Vacant	4.4			1	1	None
39432125	0.25	R-1-10	Low Density Residential	Vacant	4.4			1	1	None
39432126	0.37	R-1-10	Low Density Residential	Vacant	4.4			1	1	None
39432127	0.24	R-1-10	Low Density Residential	Vacant	4.4			1	1	None
39432129	0.25	R-1-10	Low Density Residential	Vacant	4.4			1	1	None
39432130	0.26	R-1-10	Low Density Residential	Vacant	4.4			1	1	None
39432131	0.27	R-1-10	Low Density Residential	Vacant	4.4			1	1	None
39432132	0.25	R-1-10	Low Density Residential	Vacant	4.4			1	1	None
39432133	0.25	R-1-10	Low Density Residential	Vacant	4.4			1	1	None
39432134	0.25	R-1-10	Low Density Residential	Vacant	4.4			1	1	None
39432301	0.25	R-1-10	Low Density Residential	Vacant	4.4			1	1	None
39432302	0.24	R-1-10	Low Density Residential	Vacant	4.4			1	1	None
39432303	0.24	R-1-10	Low Density Residential	Vacant	4.4			1	1	None
39432401	0.22	R-1-10	Low Density Residential	Vacant	4.4			1	1	None
39337003	0.57	R-1-10	Low Density Residential	Vacant	4.4			2	2	None



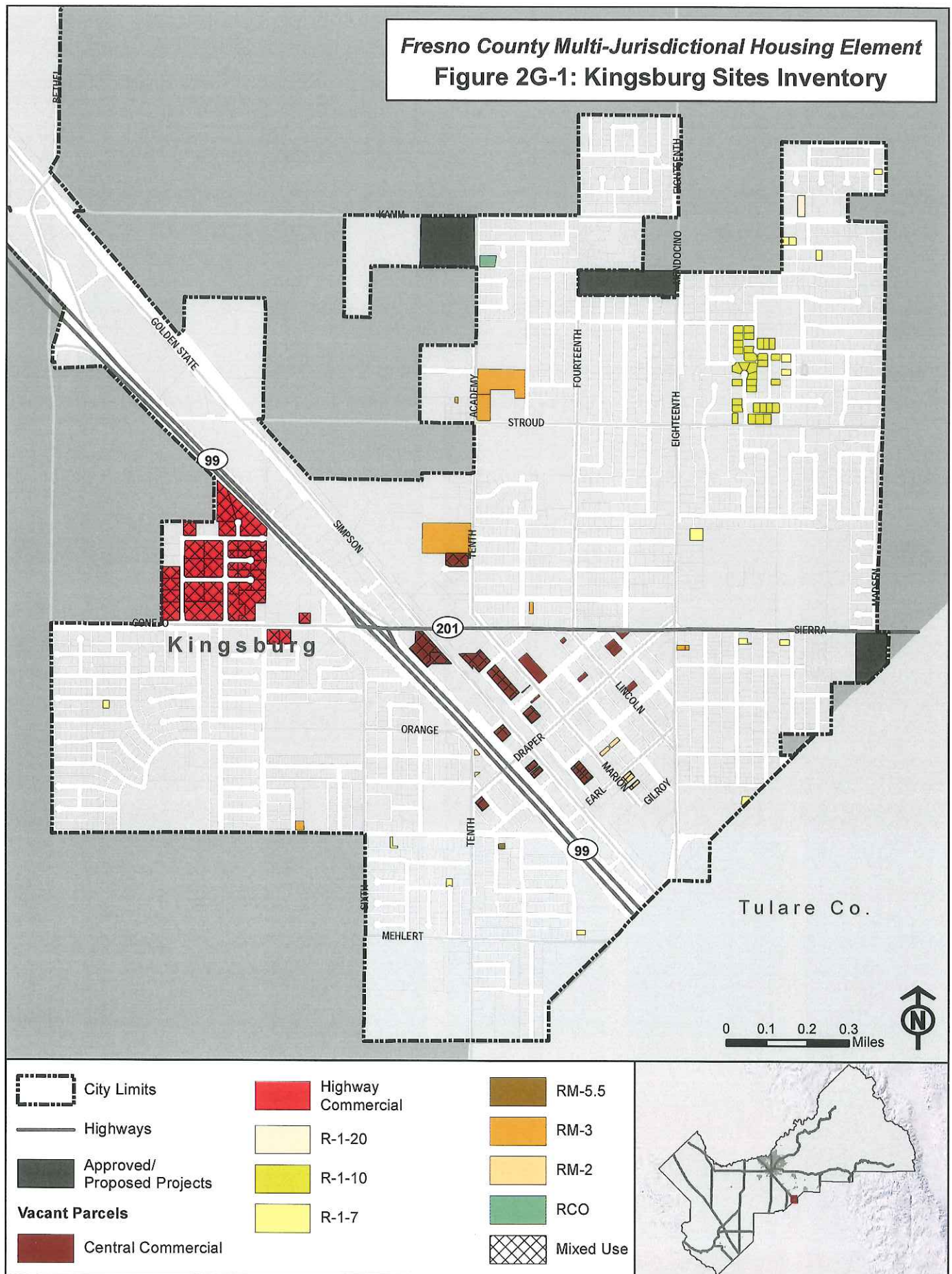
Table 2G-4 Vacant Sites, Kingsburg, December 2014

APN	Size (acres)	Existing Zoning	General Plan Land Use	Existing Use	Max. Density (per acre)	Units by Income Level			Total Realistic Development Potential	Environmental Constraints
						LI	MI	AMI		
<i>Subtotal</i>	8.83							34	34	
<b>Total</b>	<b>70.07</b>					<b>897</b>	<b>137</b>	<b>53</b>	<b>1,087</b>	

## Notes:

1. Potential units are estimated based on 80 percent of the allowable density for all zones except for CC zone, where no density limit is specified.
2. CC zone has no specified density range. A recent senior affordable project was constructed at 33.3 units per acre. A density of 25 units per acre can easily be accommodated within the allowable building envelope.

**Fresno County Multi-Jurisdictional Housing Element**  
**Figure 2G-1: Kingsburg Sites Inventory**





**APPENDIX 2G: CITY OF KINGSBURG**

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### ***AB 1233 Carry-Over Analysis Summary***

Combined, the RM-2, CC, and MXU zones have the ability to accommodate 897 multifamily units at allowable densities of at least 16 units per acre, adequate to address the City's remaining lower-income RHNA of 499 units from the previous RHNA planning period. Vacant land designated at RM-3 and RM-5.5 is limited, with a combined capacity of 137 units. Vacant land with a single family zoning (R-1-7 and R-1-10) can accommodate another 53 units. Excess capacity from the CC and MXU zones can make up the shortfall in sites for the moderate-income and above moderate-income units. Therefore, no carryover RHNA is incurred from the previous RHNA period. In August 2015, the City Council adopted the Downtown Form Based Code (FBC) that applies primarily to areas zoned Community Commercial (CC) within the Downtown Kingsburg area. Figure 2G-2 illustrates the location of the vacant CC sites in the City and their relationship to the various FBC districts. The FBC provides flexibility in development standards to encourage revitalization in Downtown Kingsburg. The FBC is described in detail in later sections.

**Table 2G-5 AB 1233 Carry-Over Analysis Summary, Kingsburg, Fourth Cycle RHNA**

Project	Units by Income Level					Total Units
	ELI	VLI	LI	MI	AMI	
<b>Fourth Cycle RHNA</b>	<b>157</b>	<b>157</b>	<b>230</b>	<b>170</b>	<b>499</b>	<b>1,213</b>
Units Constructed 2006-2014 (Table 2G-2)			45	1	228	274
Vacant Sites Available			897	137	53	1,087
<b>Surplus Capacity</b>			<b>398</b>	<b>(32)</b>	<b>(218)</b>	<b>148</b>

*Source: City of Kingsburg, 2014*

### **Fifth Cycle Housing Element RHNA Analysis**

For the fifth Housing Element update, Kingsburg has been assigned a RHNA of 374 units, including 113 very low-income units, 70 low-income units, 60 moderate-income units, and 131 above moderate-income units.

#### ***Units Built or Under Construction***

Since the RHNA projection period for the fifth cycle Housing Element runs from January 1, 2013, to December 31, 2023, the City of Kingsburg RHNA can be reduced by the number of units built or under construction since January 1, 2013. According to building permit data, the City issued building permits for 59 new units between January 1, 2013 and September 30, 2014. This includes the 46-unit Marion Villas Apartments by the Housing Authority of Fresno County.

#### ***Planned or Approved Projects***

As of October 1, 2014, the City also had 46 single family lots that have been approved as a subdivision, 48 units approved for low- and very low-income units, and another 34 single family units in a specific



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plan area planned for annexation. The City's RHNA can also be further reduced by the number of new units in projects that are planned or approved. Table 2G-6 shows an inventory of residential projects that are (as of December 2014) approved or in the planning process and scheduled to be built by the end of the current Housing Element planning period (December 31, 2023). For each project the table shows the name of the development, number of units by income category, a description of the affordable units, and the current status of the project.

**Table 2G-6 Planned or Approved Projects, Kingsburg, December 2014**

Project	Units by Income Level					Total Units	Description of Affordable Units	Status
	ELI	VLI	LI	M	AM			
Northampton (Covington) – (APN 39402113)	0	0	0	0	46	46	--	Final Map
SPR 2012-04 (APN 39408001)	0	0	0	0	34	34	--	Site Plan Review
(APN 39602017T)	0	24	24	0	0	48	County Housing Authority	Final Map
<b>Total</b>	0	24	24	0	80	128		-

Source: City of Kingsburg, 2015

### ***Vacant Sites Inventory***

The vacant sites inventory identified earlier (see Table 2G-4) continues to provide potential for future residential and mixed use development. More importantly, the City of Kingsburg adopted a Form Based Code in August 2015 to facilitate development within central commercial areas (i.e. in the downtown area) – primarily areas designated CC in the City's Zoning Ordinance. Among the objectives of the Form Based Code (FBC) are:

- To provide neighborhoods with a variety of housing types to serve the needs of a diverse population; and
- To remove barriers and provide incentives for walkable urban projects.

With the adoption of the FBC, the City anticipates increased interests in providing housing in the Form Based Code areas in the future. The FBC offers reduced parking standards and reduced setbacks, establishes minimum height, and permits shared and off-site parking for commercial uses. These tools help facilitate the development of mixed use projects. Furthermore, the City (and the region as a whole) is beginning to receive inquiries for opportunities to place housing in the downtown area.

Because the Form Based Code regulates development capacity based on building types, building envelopes, and performance standards, not by density, this Housing Element assumes the same development potential using existing zoning standards (Table 2G-3) could be accommodated, recognizing that the Form Based Code provides flexibility and incentives that could result in higher density

development than the existing zoning standards. The Form Based Code is discussed in details later.

## RHNA Summary

Table 2G-7 provides a summary of Kingsburg ability to meet the 2013-2023 RHNA. The total RHNA for the 2013-2023 RHNA is 374 units, including 113 very low-income units, 70 low-income units, 60 moderate-income units, and 131 above moderate-income units. After accounting for units built or under construction, planned and approved projects, and capacity on vacant sites, Kingsburg has a surplus capacity of 900 units.

**Table 2G-7 RHNA Summary, Kingsburg, December 2014**

Project	Units by Income Level				Total Units
	ELI/VLI	LI	M	AM	
<b>2013-2023 RHNA</b>	<b>113</b>	<b>70</b>	<b>60</b>	<b>131</b>	<b>374</b>
Units Built or Under Construction	21	24	1	13	59
Planned or Approved Projects (Table 2G-6)	24	24	--	80	128
Capacity on Vacant Sites (Table 2G-4)	897		137	53	1,087
<b>Surplus<sup>1</sup></b>	807		78	15	900

<sup>1</sup> Remaining Need is calculated by subtracting planned projects and capacity on vacant sites from the total RHNA.

Source: City of Kingsburg

## Availability of Infrastructure and Services

The City of Kingsburg provides water services to residents and businesses in the City. Based on the recent usage data that has been reduced from recent years due to conservation efforts, the City could approximately add an additional 600 homes before significant expansion of the system is necessary (i.e., new wells, transmission mains, etc.) Therefore, no significant water system capacity expansion projects are budgeted in the near term.

The Selma-Kingsburg-Fowler County Sanitation District (SKF), a Joint Power Authority, provides sewer service to the City of Kingsburg as well as to the Cities of Fowler and Selma. According to the District Engineer, the SKF treatment plant has a capacity of 8.0 (mgd) with existing flows of 4.2 mgd (52.5 percent of capacity). By 2026, the SKF Capital Improvement Program (CIP) projects total flow at 5.71 mgd (71 percent of capacity). Kingsburg currently has 4,140 residential units. In 2025, if flow ratios from the three cities remain constant, SKF will have capacity for approximately 5,790 residential units in Kingsburg, significantly higher than the RHNA allocations for Kingsburg during the Housing Element period. At full capacity to 8.0 mgd, SKF would have capacity for an estimated 8,155 residential units in Fowler.

Expansion plans for a wastewater treatment plant are generally required by the Regional Water Quality Control Board when 70 percent of design capacity is reached. This threshold is not expected at the SKF plant until after 2025. The District, however, is updating its Master Plan to include provisions for long-



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term expansion and will make interim improvements (refurbishing aerators, basin improvements, fleet replacements, etc.) in conformance with the 10-year CIP.

## SECTION 2G-3: CONSTRAINTS

### Land Use Controls

#### *General Plan*

##### Analysis

The City of Kingsburg offers the following residential land use designations:

- **Low Density:** 4-6 dwelling units per net acre
- **Medium Density:** 7-15 dwelling units per net acre
- **High Density:** 16-22 dwelling units per net acre

##### Conclusion

The City offers a range of housing densities in the community.

##### Recommended Action

None required.

### *Zoning Ordinance*

#### Citywide

The City's Zoning Ordinance provides for the following residential districts:

- ***Residential Acreage (RA)*** -- The RA residential acreage district is intended to provide living area which combines certain of the advantages of both urban and rural location by limiting development to low density concentrations of one-family dwellings as designated by the General Plan.
- ***One Family Residential (R-1-7, R-1-10, R-1-20)*** -- The R districts are intended primarily to provide living areas at locations designated by the general plan for low density, involving single family dwellings.
- ***Multi-Family Residential (RM-MH-5.4, RM-5.5, RM-3, RM-2.5, RM-2)*** -- The RM multifamily residential districts are intended primarily for the development of multifamily residential structures at densities consistent with policies of the general plan.

In addition, the City's Zoning Ordinance allows residential uses in the following nonresidential zones:

- ***Professional Office (PO)***: This district is intended to provide opportunities for the location of professional and commercial offices in close relationship to one another in areas designated for combined professional office use and high density use, by the General Plan. Residential uses



consistent with the R and RM districts are also permitted uses in this district.

- **Central Commercial (CC):** The Central Commercial district is intended to be applied within and at the periphery of the central business district (CBD) of the city. The CBD serves as the primary commercial district of the community where a wide range of retail, financial, governmental, professional, business service and entertainment activities and uses are encouraged to concentrate to serve the entire community. Mixed use development is conditionally permitted via a Planned Unit Development permit.
- **Mixed Use Combining District (MXU):** The MXU district is intended for application to two types of property:
  - Within commercial base zoning districts, on any site of such a size and configuration that a mixture of businesses is determined to appropriate, such as a commercial subdivision or business park.
  - Those residential, commercial and industrial base zoning districts which lay within the boundaries of the city's former redevelopment project area(s), and which are designated as areas characterized by a mixture of uses, blighted structures and sites, and/or inadequate street and alley improvements.

To improve land use conditions in the MXU, all categories of land use shown on the general plan diagram are eligible for consideration. The MXU district has been in place since 1982.

### Form Based Code

In August 2015, the Kingsburg City Council adopted the Downtown Form Based Code, which replaces the existing Zoning Code for Downtown Kingsburg. The foundation of this Code began in 2006 when the City completed the Downtown Revitalization Plan, which focuses on revitalizing the historic core of the City and maintaining a significant downtown as the community grows. The Downtown Form Based Code (FBC) establishes three transects:

- **FBC 1 – Neighborhood Transition:** This zone provides a flexible area adjacent to Kingsburg's downtown that can evolve to accommodate a variety of medium-density building types and compatible commercial uses while maintaining its existing form and character.
- **FBC 2 – Main Street Transition:** This FBC zone provides a flexible area that can accommodate a range of neighborhood serving commercial, service, and residential uses in a medium to high density, "Main Street" form.
- **FBC 3 – Main Street:** This Zone reinforces and enhances the walkable urban Swedish Village and enables its evolution into a complete neighborhood that provides locally and regionally serving retail and entertainment uses, civic, and public uses, and a variety of urban housing choices.

Figure 2G-2 illustrates the FBC areas. Table 2G-8 below identifies the allowable building types and development standards.

**Table 2G-8 Permitted Uses and Building Types by FBC Zone**

Permitted Uses	FBC 1	FBC 2	FBC 3
Single Family	AA	P	P
Two Family	---	P	P
Multifamily	---	P	P
Accessory/Second	---	P	P
Residential Component of Mixed Use	CUP	CUP	CUP
Live/Work	P	P	AA
Building Types	FBC 1	FBC 2	FBC 3
Carriage House	✓		
Single-Unit House Village	✓		
Single-Unit House Cottage	✓		
Duplex	✓		
Townhouse	✓	✓	
Mansion Apartment	✓		
Bungalow Court	✓		
Courtyard Apartment	✓	✓	
Apartment House	✓	✓	
Main Street Mixed Use		✓	✓
Mid-Rise			✓

AA = Administrative Approval; P = Permitted; CUP = Conditional Use Permit  
Source: City of Kingsburg, Downtown Form Based Code, 2015

## Conclusion

The City's Zoning Ordinance allows for a range of housing options, especially with the adoption of the Downtown Form Based Code.

## Recommended Action

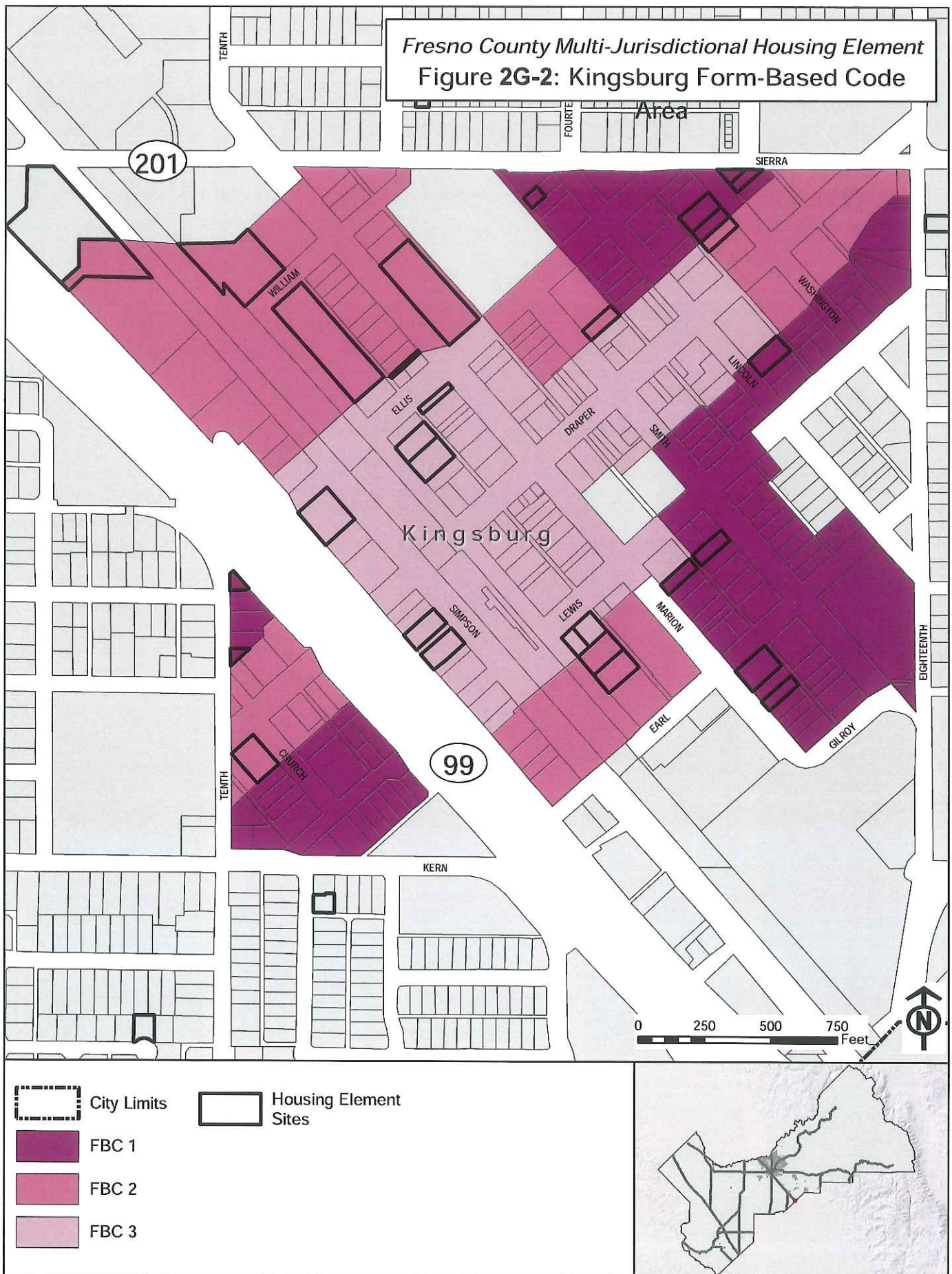
None required.



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Fresno County Multi-Jurisdictional Housing Element  
Figure 2G-2: Kingsburg Form-Based Code





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## Residential Development Standards

### Citywide

**Error! Reference source not found.** Table 2G-9 lists and describes the residential zoning districts in the City of Kingsburg Zoning Ordinance that allow residential development. These development standards are typical and consistent with standards established in surrounding communities.

Within the CC zone where mixed use development is conditionally permitted, the following standards apply:

- No more than 25 percent of the residential units may be located on the ground floor;
- Ground floor units may not be located along street frontages; and
- After parking structure, garages, or carports have been deducted, no more than 50 percent of the ground floor building area may be occupied by residential units.

In 2013, the City approved a senior housing project in the CC zone. This 46-unit project on a 1.38-acre site yielded a density in excess of 33.3 units per acre.

Within the MXU Combining District, any uses in the General Plan (except single family use) are eligible for consideration.



Table 2G-9 Residential Development Standards

Characteristics of Lot, Location, and Height	RA	R-1-7	R-1-10	R-1-20	RM-MH-5.4	RM-5.5	RM-3	RM-2.5	RM-2
Minimum Site Area (SF)	20,000 sq. ft.	7,000 sq. ft.	10,000 sq. ft.	20,000 sq. ft.	5 acres (5,400 sq. ft. per unit)	5,500 sq. ft. (5,500 sq. ft. per unit)	3,000 sq. ft. (2,500 sq. ft. per unit)	3,000 sq. ft. (2,500 sq. ft. per unit)	3,000 sq. ft. (2,500 sq. ft. per unit)
Density Range (DU/AC)	2.2	6.2	4.4	2.2	8.1	7.9	14.5	17.4	17.4
Minimum Lot Dimensions (Interior Lots)	100' 150'	60' 90'	80' 125'	100' 150'	-- --	50' 80'	50' 80'	50' 80'	50' 80'
Maximum Lot Coverage	35%	40%	40%	40%	--	50%	50%	55%	60%
Minimum Setbacks	35' 10' 10'	20' 10' 5'	20' 10' 5'	50' 10' 5'	15' 5' 5'	15' 5' 5'	15' 5' 5'	15' 5' 5'	15' 5' 5'
Maximum Height	35'	35'	35'	35'	35'	35'	35'	35'	35'
Private Open Space (SF/DU)	--	--	--	--	--	--	--	--	--

Source: City of Kingsburg Zoning Ordinance, 2015.

### Parking

Table 2G-10 shows residential parking requirements in Kingsburg, which vary by housing type.

**Table 2G-10 Residential Parking Requirements**

Residential Use	Required Parking Spaces
Single-family	2 spaces per unit, including 1 garaged space
Multi-family	2 spaces per unit, including 1 garaged space
Second Dwelling Units	1 covered space for unit with 0 or 1 bedroom 2 spaces for unit with 2+ bedrooms, 1 space must be covered

Source: City of Kingsburg Zoning Ordinance, 2015

### Open Space and Park Requirements

The City's current fee schedule requires the payment of Recreation Area Acquisition and Improvement fees ranging from \$400 per multifamily unit to \$1,428 per single family unit.

### Form Based Code

Table 2G-11 summarizes the development regulations in Downtown Form Based Code (FBC) for Downtown Kingsburg. To facilitate development in the Downtown area, the FBC provides reduced parking standards and reduced setbacks, and establishes minimum height. Shared and off-site parking is also permitted for commercial uses, potentially further enhancing the development of mixed use projects.

**Table 2G-11 Development Standards by FBC Zone**

Standards	FBC 1	FBC 2	FBC 3
Height	2.5 Stories (max)	20' (min) 3 stories (max)	20' (min) 3 stories (max)
Setbacks (min)			
Front	10'	0'	0'
Side	5'	0'	0'
Rear	5'	0'	0'
Parking	≤ 1,500 sf: 1 space/1,000 sf (min)	1 space/1,000 sf (min)	1 space/unit (max)
	> 1,500 sf: 1.5 spaces/unit (max)		

Source: City of Kingsburg, Downtown Form Based Code, 2015



## **Conclusion**

The City's Downtown Form Based Code provides flexibility in development standards that should foster residential and mixed use development in Downtown Kingsburg. The Mixed Use Combining District (MXU) also provides flexibility in use and development standards.

## **Recommended Action**

None required.

## **Growth Management**

The City of Kingsburg implements a growth management system that regulates residential development. The system limits the rate of residential growth in the City to a level compatible with the size, financial limitations, resource constraints, and services capabilities of the City and service providers within the City. The growth management system was implemented in response to the housing boom that had significantly inflated the housing market throughout California between 2000 and 2005.

The current system provides for 115 new allocations of housing units to become available at the beginning of each calendar year. Allocation is defined as the right to apply for a building permit to construct one single family residence or one multifamily residential housing unit. The allocations are divided between two categories of housing: multiple-family housing units with 35 allocations per year (30%) and single family housing units, with 80 allocations per year (70%). Of the 80 allocations per year of single family housing units, 20 allocations are reserved for large lot development on parcels of at least 10,000 square feet.

### ***Unused Allocations***

At the discretion of the City Council, any unused allocations may be carried over for a period of up to three years. Unused allocations are:

- Which were never issued;
- Previously issued and expired because of denial of development entitlements or failure to commence construction of off-site improvements on or before the construction start date as specified; or
- The failure of the applicant to comply with the provisions of Chapter 16.09 of the Municipal Code.

Therefore, if a developer who has received issued allocations fails to complete the subdivision as required by Chapter 16.09 or allows its tentative map to expire without satisfying the requirements of Chapter 16.09, the City Council, may, in its discretion, allow the unused allocations to be carried over for a period of three years.

### ***Exemptions***

The Growth Management System provides for the following exemptions:

- Residential housing units constructed upon parcels that were previously fully developed and which have adequate infrastructure to service the new residential development as determined by the City;
- Second housing units added to lots with single family homes in conformance with the City Zoning Ordinance and applicable California law;
- Residential housing projects which received all required development entitlements prior to enactment of this system in 2005.

### ***Senior Housing***

Demand for senior housing in the City exceeds the supply of senior housing within the city. As a result, and in order to address this need for more senior housing, allocations for a senior housing project are issued on the basis of one-half of one allocation for each senior housing unit to be constructed.

### ***Maximum Allocation Per Project***

Each calendar year, the maximum number of allocations that can be issued through the competitive process for any one application for development entitlements to construct residential housing units is 25 allocations for single-family housing or multiple-family housing, or 35 allocations for mixed-density projects which include at least ten single-family homes and at least ten multiple-family dwelling units.

However, in order to meet the need for mobilehome parks or multifamily housing developments, an applicant seeking to develop a mobilehome park with more than 15 spaces and/or multi-family housing development with more than 15 units may request issuance of allocations which would otherwise be issued over a three-year period. The purpose of this three-year allocation is to satisfy the housing needs of persons who wish to reside in mobilehome or multi-family developments, through the development of a project which is larger than would otherwise be allowed with only one year of allocations. Therefore, a large scale multifamily housing can be accommodated via the three-year allocation request.

### ***Phased Projects***

Projects having more residential units than the maximum allocation allowable or available in a single allocation period may be phased. Allocations for phased projects may include allocations for the calendar year and allocations for up to two years thereafter. Approval of allocations for a phased project should identify the number of allocations that will be issued by the City and used by the applicant during each phase of the project.



### ***Competitive Allocation Process***

New multifamily or single family residential developments of four or fewer dwelling units ("small projects") will automatically receive allocations and will not be required to participate in the competitive allocation process. All other projects are rated based on a number of factors, including:

- Suitability of location – Compact and efficient development is preferred and infill development within the urban limit boundary is encouraged (up to 25 points).
- Inclusionary housing – The City has an inclusionary housing policy of 15 percent. Projects that incorporate an affordable housing component or assist the City in providing affordable housing elsewhere would receive higher rating (up to 15 points). [The City has not adopted an inclusionary housing ordinance. However, if a project proposes to include housing affordable to lower-income households or assists the City in achieving the affordable units through donation of land or payment of fee, the project can receive extra points in the rating system. For every one percent of affordable units included, the project will receive one extra point in the rating system.]
- Meeting special needs – Points are awarded to projects that provide housing for the underserved or special needs populations, including seniors, disabled, and large families (up to 20 points)
- Infrastructure and services – Projects that demonstrate the least impacts on the City's infrastructure and service capacities would receive higher rating (up to 25 points)
- Architectural design and aesthetic considerations – Points are awarded to projects that continue the City's "Swedish village" character (up to 15 points).

Applications for competitive allocations must be filed with the Planning Department on September 30th of each calendar year. The development proposals will be rated and ranked in accordance with the criteria outlined above by Planning staff during the month of October and the Planning staff will make its recommendations for competitive allocations to the Planning Commission. At its first meeting each November, the Planning Commission will conduct a public hearing to review staff's rating and ranking recommendations for the competitive allocations and make recommendations to the City Council regarding the competitive allocations. At its first regular meeting in December, the City Council will consider the recommendations of the planning commission and will issue allocations for the next calendar year ("first allocations").

If not all available allocations are issued in December, then at its first meeting in February of the next year, the City Council may authorize staff to conduct a second competitive allocation process ("second allocations"), following the same process as the first allocations. If there is only one application for second allocations, the City Council may authorize the issuance of all allocations available in the second allocation to the sole applicant, even though the allocations available in the second allocation exceed the maximum annual number of allocations available for issuance and even though the sole applicant for the second allocations received first allocations.

## **Conclusion**

The RHNA for this Housing Element covers an 11-year planning period from January 1, 2013 through December 31, 2023. Over this period, 1,265 allocations can be issued, including 385 allocations for multifamily units, and 880 single family units. This allocation limit is more than adequate to accommodate the City's RHNA of 374 units. The City's 385 allocations for multifamily units more than doubled the City's lower-income RHNA of 155 units. Specifically, a senior affordable housing project of 46 units is currently under construction. This project utilized only 23 multifamily allocations based on the City's Growth Management System.

To date, the City has not had more applications than available allocations. Furthermore, the allocation process is conducted consistently according to set schedule, allowing developers to plan for the application of allocations. Overall, the Growth Management System has built in flexibility to accommodate multifamily developments – three-year allocation (available at once) and phased allocation (available over up to three years) can accommodate larger projects. The City Council, at its discretion, can also increase the number of allocations by resolution of the City Council.

## **Recommended Action**

A new program is included to monitor the City's Growth Management System to ensure that adequate allocation is available to meet the City's RHNA for all income levels.

## **Density Bonus**

### **Analysis**

Kingsburg's Zoning Ordinance does not include any density bonus provisions. The City will need to adopt a density bonus ordinance that meets all requirements of SB 1818 and AB 2222, among other related and minor amendments.

### **Conclusion**

The City's Zoning Ordinance does not include any density bonus provisions.

### **Recommended Action**

Amend the Zoning Ordinance within one year of Housing Element adoption.

## **Zoning for a Variety of Housing Types**

### **Analysis**

Title 17 of the City of Kingsburg Municipal Code describes the City's regulations for residential development. Table 2G-12 summarizes the housing types permitted and conditionally permitted under the Zoning Ordinance.



Table 2G-12 Variety of Housing Types

Uses	RA	R-1-7	R-1-10	R-1-20	RM-MH-5.4	RM-5.5	RM-3	RM-2.5	RM-2
Single-Family	P	P	P	P	P	P	P	P	P
Multi-family	--	--	--	--	P	P	P	P	P
Manufactured/ Mobilehomes	P/A	P/A	P/A	P/A	P/A	P/A	P/A	P/A	P/A
Mobilehome Park	C	C	C	C	C	C	C	C	C
Farmworker / Employee Housing	--	--	--	--	--	--	--	--	--
Emergency Shelters	--	--	--	--	--	--	--	--	--
Transitional and Supportive Housing	--	--	--	--	--	--	--	--	--
SRO	--	--	--	--	--	--	--	--	--
Group Homes and Residential Care Facilities (6 or fewer)	--	P	P	P	P	P	P	P	P
Group Homes and Residential Care Facilities (7 or more)	--	C	C	C	C	C	C	C	C
Second Dwelling Units	P/A	P/A	P/A	P/A	P/A	P/A	P/A	P/A	P/A

P = Permitted; A = Administrative Use Permit; C = Conditional Use Permit

Source: City of Kingsburg Zoning Ordinance, 2015

The following is a description of the City's requirements for various housing types:

### ***Multifamily***

Multiple family dwellings are permitted by right in the RM zones.

### ***Manufactured Housing***

Currently, mobile homes on permanent foundations require Administrative Approval in the One-Family (R), Multi-Family (RM), and Residential Acreage (RA) zones, while single family dwellings are permitted by right in these zones.

### ***Farmworker/Employee Housing***

The City permits agricultural uses in the One-Family (R), Multi-Family (RM), Residential Acreage (RA) and Resource Conservation and Open Space (RCO) zones. While single family dwellings are also permitted in these zones (except within the RCO zone), farmworker housing is not similarly permitted. The City currently has no provisions for farmworker housing. In addition, City's Zoning Ordinance currently includes no provisions for employee housing.

### ***Emergency Shelters***

The City amended the Zoning Ordinance on April 1, 2015 to permit emergency shelters by right in the IL zone. According to the Fresno/Madera Continuum of Care, the homeless population in Kingsburg is estimated at eight persons. The available vacant Light Industrial sites in Kingsburg offer adequate capacity for a potential shelter.

**Table 2G-13 Potential Emergency Shelter Sites**

APN	Acreage
39504062	0.15
39614204	0.18
39501008S	0.13
39501009S	0.30
<b>Total</b>	<b>0.76</b>

*Source: City of Kingsburg, 2014.*

### ***Transitional and Supportive Housing***

The City amended the Zoning Ordinance on April 1, 2015 to address the provision of transitional and supportive housing as a residential use to be regulated as similar uses in the same zones.

### ***Single Room Occupancy (SRO) Units***

The Zoning Ordinance does not currently contain provisions or definition for SRO housing.



### ***Residential Care Facilities***

The Kingsburg Zoning Ordinance permits small residential care facilities (for six or fewer persons) by right in all residential zones (except the RA). Large residential care facilities are conditionally permitted in all residential zones (except the RA).

### ***Second Units***

The City administratively processes applications for the siting and construction of a second housing unit to be attached to or detached from an existing one-family residence located in either the UR, RA, R or RM zoning districts.

### **Conclusion**

In summary, amendments to the City's Zoning Code are required to address the provision of a variety of housing types:

- **Manufactured Housing:** The Zoning Code will need to be updated to permit manufactured homes in a manner consistent with single family housing.
- **Farmworker/Employee Housing:** The Kingsburg Zoning Code is not consistent with State law requirements for farmworker and employee housing.
- **Single Room Occupancy (SRO) Housing:** The Zoning Code does not currently contain provisions for SRO housing.
- **Small Residential Care Facilities:** The Zoning Code will be updated to address the provision of small residential care facilities in the RA zone.

### **Recommended Action**

The Housing Element includes an action to amend the Zoning Ordinance to address manufactured housing, farmworker and employee housing, SRO housing, and small residential care facilities in the RA zone.

## **On- Off-Site Improvements**

### **Analysis**

Site improvements are regulated by the Subdivision and Parcel Map Ordinance and through conditions and standards imposed through the City's Site Plan Review process. Site improvements include off-street parking, landscaping, walls, signage, and utility systems. In order to reduce housing costs, the City requires only those improvements that are deemed necessary to maintain public health, safety, and welfare. Improvement requirements for single family and multifamily uses are described below.

### ***Subdivision Improvements***

Requirements of the subdivision ordinance which most affect the cost of housing are standards for the provision of utility services (e.g., water, sewer, drainage) and street improvements. Basic improvements required include the following:

- Water, sewer and drainage lines and facilities, including the extension of lines to the property and to adjacent vacant properties that eventually will also need them;
- Street improvements include curb, gutter, sidewalk, A/C paving, driveway approaches, fire hydrants, street lights, street signs and street trees. Rights-of-way requirements are 56' for minor streets (36' curb-to-curb), 66' for collector streets (46' curb-to-curb) and 84' for arterial streets (64' curb-to-curb);
- Undergrounding of electrical, telephone and cable utility services.

While the cost of required improvements adds considerably to housing costs, the improvements are necessary to serve the new development and provide a decent living environment.

### ***On-Site Improvements for Multifamily***

In addition to requirements for utility connections and street improvements, multifamily projects are required to provide the following:

- One or more trash enclosures within walking distance of all units;
- Tot lots for pre-school children;
- Landscaping of the site, including automatic irrigation;
- Ornamental walls along the site perimeter.

### **Conclusion**

Development requirements of the City of Kingsburg are considered standard in the Central Valley and are comparable to surrounding cities.

### **Recommended Action**

None required.

### **Fees and Exactions**

#### **Analysis**

Some of these City typical fees are summarized in Table 2G-14.



Table 2G-14 Schedule of Fees for Residential Development

Type of Fee		Cost Per Unit
<b>Permit Processing Fees</b>		
Pre-Application Design Review		
Use Permit	Administrative Approval	\$150
	Conditional Use Permit	\$2,000
Site Plan Review	Minor/Existing Site	\$350
	Subdivisions	\$1,000 + \$20/unit
Land Use/ Zoning	General Plan Amendment	\$3,000
	Zoning Amendment	\$2,000
	Planned Unit Development	\$2,000
	Negative Declaration/Mitigated Negative Declaration	Cost + 10%
	Environmental Impact Report	Cost + 20%
Subdivisions	Tentative Parcel Map	\$800
	Final Parcel Map	\$800
	Tentative Tract Map	\$1,800 + \$25/lot
	Final Tract Map	\$1,200 + \$25/lot
<b>Development Impact Fees</b>		
Traffic	Single-Family	\$574/unit
	Multi-Family	\$374/unit
Capital Facilities	Single-Family	\$5,344/unit
	Multi-Family	\$3,413/unit
Storm Drainage	Residential Reserve	\$4,228/acre
	Low Density Residential	\$3,656/acre
	Medium High Density Residential	\$5,941/acre
Combined Recreation Area Acquisition and Improvement	Single-Family Detached	\$1,428/unit
	Single-Family Attached	\$1,428/unit
	2-4 Units/Site	\$663/unit
	Multi-Family 5-15 Units/Site	\$400/unit
	Multi-Family 16+ Units/Site	\$533/unit

Source: City of Kingsburg, 2014.

In addition to City fees, several regional fees are also charged for residential development: Regional Transportation Mitigation and Indirect Source Review. The Selma-Kingsburg-Fowler County Sanitation District also charges a one-time fee for connection. For school fees, the Kingsburg (Kingsburg Elementary Charter School District, Kingsburg Joint Union High School District) has adopted the State Level I fee of \$3.36 per square foot of residential use.

Table 2G-15 shows plan checking, permit, and impact fees for single family and multifamily prototype developments. The single family prototype is a single family detached residential dwelling unit with 2,235 square feet of living area and a 587-square-foot garage. The estimated building valuation of this

unit is \$267,058. The plan check, permit, and impact fees account for an additional sum of \$28,250.18, or approximately 11 percent of the estimated valuation. The multifamily prototype is a single-story duplex. The estimated valuation for this prototype is \$282,812.70. In summary, the fees for plan check, permits, and development impact total \$17,400.7 per unit. This constitutes approximately 12 percent of the estimated valuation per unit.

**Table 2G-15 Prototypical Construction Fees**

Fee Description	Amount	
	Single-family	Multi-family
Plan Check and Building Permits	\$5,417.58	\$2,859.70
Impact Fees	\$8,487.00	\$5,591
School Fee	\$7,509.60	\$4,300
Regional Transportation Mitigation Fee	\$1,637	\$1,150
Indirect Source Review <sup>1</sup>	\$1,100	\$500
County Sanitation District	\$4,099	\$3,000
<b>Total per Unit</b>	<b>\$28,250.18</b>	<b>\$17,400.70</b>

Note 1: Projects under 50 units are not subject to this fee.

Source: City of Kingsburg

## Conclusion

In summary, the fees for plan check, permits, and development impact constitute approximately 11 to 12 percent of the building valuation. However, approximately one-third of the fees are school and regional impact fees that are consistent throughout the County and would not serve to constrain housing development in Kingsburg.

## Recommended Action

A program is included in the Housing Element to monitor the City's fees and impacts on residential development.

## Processing and Permit Procedures

### Analysis

The City permits most types of residential development by right with a site plan review by the staff. Site Plan Review is performed by the Site Plan Review Committee comprising of staff representatives of the Fire, Engineering, Planning, Building, Solid Waste, Police, Community Services, and Public Works departments. The Committee reviews and approves, conditionally approves or denies a site plan review application in accordance with City codes and ordinances. To approve a site plan, the Site Plan Review Committee must make all of the following findings:



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- That the site plan complies with all applicable provisions of the Zoning Ordinance and all applicable City standards and specifications.
- The following are so arranged that traffic congestion is avoided and that pedestrian and vehicular safety and welfare are protected and there will not be adverse effect on surrounding property:
  - Facilities and improvements.
  - Vehicular ingress, egress, internal circulation and off-street parking and loading.
  - Setbacks.
  - Height of buildings.
  - Location of services.
  - Walls and fences.
  - Landscaping, including screen planting and street trees.
  - Drainage of site.
  - Refuse enclosures.
- Proposed lighting is so arranged as to deflect the light away from adjoining properties.
- Proposed signs will comply with all of the applicable provisions of [Chapter 17.56](#) of Zoning Ordinance.
- That adequate provision is made to reduce adverse or potentially adverse environmental impacts to acceptable levels.
- The site plan conforms with all other applicable laws, rules and regulations relating to traffic safety, street dedications and street improvements, environmental quality, and zoning, fire, police, building and health and safety codes.

These findings relate primarily to the physical characteristics and site planning considerations, and conformance with established standards. They do not serve to constrain housing development.

Mixed use development requires approval of a Conditional Use Permit (CUP), which requires review and approval by the Planning Commission, including a public hearing. In granting the CUP, the Planning Commission must be able to make the following findings:

- That there are circumstances or conditions applicable to the land, structure or use which makes the granting of a use permit necessary for the preservation and enjoyment of a substantial property right.
- That the proposed location of the conditional use is in accordance with the objectives of the Zoning Ordinance.

- That the proposed use will comply with each of the applicable provisions of the Zoning Ordinance.

The conditions for approval may include:

- That all applicable provisions of the Zoning Ordinance are complied with;
- That the following are so arranged that traffic congestion is avoided, pedestrian and vehicular safety and welfare are protected with no adverse effect on surrounding property and the site plan conforms with city standards, specifications and policies:
  - Special yards, spaces and buffers.
  - Fences and walls.
  - Surfacing of parking areas and provisions for surface water drainage subject to city specifications.
  - Requiring street dedications and improvements, including service roads or alleys when practical, and the requiring of drainage, sewer and water connection fees, and other development fees, when applicable. A traffic study may be required if impacts to roads are anticipated.
  - Regulation of points of vehicular ingress and egress.
  - Regulation of signs, in accordance with the standards prescribed in the Zoning Ordinance.
  - Requiring maintenance of the grounds and the undergrounding of utilities.
  - Requiring landscaping and refuse enclosures and maintenance.
  - Regulation of noise, vibration, odors and other similar characteristics.
  - Measures necessary to eliminate or to effect mitigation to acceptable levels of environmental impact.
  - Regulation of time for certain activities to be conducted on the site.
  - Regulation of the time period within which the proposed use shall be developed.
  - A bond, deposit of money, or letter of credit for the completion of street and site improvements and other facilities or for the removal of such use within a specified period of time to assure conformance with the intent and purposes set forth in this title.
  - Such other requirements which reasonably may be required to ensure compliance with city codes and policies.



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These conditions for approval relate primarily to site plan considerations and specific performance standards. They are typical for similar developments in the region and do not serve to constrain mixed use development in the City. In fact, the City recently approved the development of Marion Villas Apartments, a mixed use development with commercial space on the ground floor. The adoption of the Downtown Form Based Code is also intended to promote mixed use developments in the Downtown area. Based on City records, no residential/mixed use developments have been denied a CUP. The City encourages concurrent processing of applications and considers all entitlement applications, including the environmental document, at single public hearings before the Planning Commission and City Council. The City does not have a lengthy project review process.

**Table 2G-16 Approvals and Processing Times for Typical Developments**

	<b>Single-Family</b>	<b>Single-Family (2–4 units)</b>	<b>Single-Family (5+ units)</b>	<b>Multi-Family (2–4 units)</b>	<b>Multi-Family (5+ units)</b>	<b>Mixed Use</b>
Approvals Required	Building Permit	Site Plan Review	Tentative Tract Map	Site Plan Review	Site Plan Review	Public Hearing/CUP
Processing Time	14-21 days	45	90-120	45	45-60	60-90

Source: City of Kingsburg.

### **Recommended Action**

None required.

### **Building Codes**

#### **Analysis**

The City uses several uniform codes, including the 2013 California Building Code (CBC), the 2013 California Electrical Code (CEC), the 2013 California Plumbing Code (CPC), the 2013 California Mechanical Code (CMC), and the 2013 California Fire Code, as the basis for its building standards and code enforcement procedures.

#### **Conclusion**

No major local amendments to the building codes have been made that would significantly increase the cost of housing.

### **Recommended Action**

None required.

## **Constraints on Housing for Persons with Disabilities**

### **Analysis**

#### ***California Building Code***

The City adopted the 2013 California Building Code, including Title 24 regulations concerning accessibility for persons with disabilities.

#### ***Definition of Family***

The definition of “family” in Kingsburg’s Zoning Ordinance (Section 17.96.030) is as follows: “An individual, or two (2) or more persons related by blood or marriage, or a group of not more than five persons not necessarily related by blood or marriage, living together in a dwelling unit.” This definition exceeds the zoning power of a local jurisdiction and would be considered restrictive.

#### ***Zoning and Land Use Policies***

The Kingsburg Zoning Ordinance permits small residential care facilities (for six or fewer persons) by right in all residential zones (except the RA). Large residential care facilities are conditionally permitted in all residential zones (except the RA).

#### ***Reasonable Accommodation***

The City does not currently have a formal process to grant reasonable accommodation requests to allow flexibility of rules and regulations for persons with disabilities in order for them to have access to housing. The Zoning Ordinance must be amended to establish a formal reasonable accommodations process.

### **Conclusion**

Amendments to the City’s Zoning Ordinance are required to address the definition of “family” and the reasonable accommodation procedures.

### **Recommended Action**

The Housing Element includes an action to amend the Zoning Ordinance to address the definition of “family” and the reasonable accommodation procedures.



## SECTION 2G-4: REVIEW OF PAST ACCOMPLISHMENTS

This section reviews and evaluates the City's progress in implementing the 1992 Housing Element. The last official Housing Element was adopted in August 1992 for the second update cycle, with supplemental revisions in 1997. Given the outdated status of the 1992 Housing Element (more than 20 years old), many of the programs and policies contained in that Housing Element have long become obsolete. Therefore, this evaluation focuses on the City's current efforts in the areas of: New construction; Rehabilitation; and Housing Assistance in general.

### Progress Toward the RHNA

Each jurisdiction in California is responsible for accommodating its share of the region's housing needs. The process of determining each jurisdiction's share of housing needs is called the Regional Housing Needs Assessment (RHNA). The RHNA projection period for the previous Housing Element was from January 1, 2006 to June 30, 2013. The City of Kingsburg was assigned a RHNA of 1,213 units, divided into four income categories:

- Very Low-Income (less than 50 percent of the Area Median Income): 314 units
- Low-Income (50 to 80 percent of the Area Median Income): 230 units
- Moderate-Income (80 to 120 percent of the Area Median Income): 170 units
- Above Moderate-Income (greater than 120 percent of the Area Median Income): 499 units

Table 2G-17 summarizes the City's accomplishments in meeting the RHNA during the previous RHNA projection period. A total of 228 new single family units have been constructed in Kingsburg since January 1, 2006. In addition, an affordable housing project is under construction. The 46-unit Marion Villas Apartments will provide affordable housing to low-income seniors. This project (funded with LIHTC and County HOME funds and completed in November 2015) provides five extremely low-income units, 16 very low-income units, and 24 low-income units, along with one manager's unit.

**Table 2G-17 Units Built During RHNA Projection Period, Kingsburg**

	Very Low Income Units	Low Income Units	Moderate Income Units	Above Moderate Income Units	Total Units
2006-2015 RHNA	314	230	170	499	1,213
Units Built 2006-2015	21	24	1	228	274
Percent of RHNA Met	6.7%	10.4%	0.6%	45.7%	22.6%

*Source: City of Kingsburg, 2014.*

In 2013, the City adopted a resolution amending the Growth Management System to allow a rolling accumulation of allocation units for housing under the Growth Management Ordinance (with a three-year accumulation). This change would accommodate larger-scale urban development, as opposed to the previous 115-unit annual limit. Typically, the City reassesses the Growth Management Ordinance along with every election cycle to make sure the ordinance reflects current market conditions.

The City recognizes the need to revitalize its downtown area while respecting the unique historic and architectural character of the area, the need to flexibly accommodate a variety of urban uses in the area, and that conventional zoning would not offer the tools to achieve these objectives. Therefore in July 2015, the City adopted the Downtown Kingsburg Form Based Code (FBC) that applies primarily to the area zoned Community Commercial. The City will be promoting the FBC to developers in order to encourage infill development in Downtown.

Without redevelopment as a tool, the City has little ability to provide financial support to affordable housing projects. However, the City continues to partner with the County Housing Authority to create quality affordable housing.

To facilitate residential development in the future, recognizing the challenges of the City's sites inventory being comprised primarily of small sites and commercial properties, the 2015-2023 Housing Element includes the following programs: Adequate Sites; Sites Inventory Monitoring for "Not Net Loss", and Lot Consolidation. In addition, the new Housing Element includes the Affordable Housing Incentives program to expand affordable housing opportunities in the City.

## **Housing Rehabilitation**

The City of Kingsburg offers housing rehabilitation assistance to homeowners through the County's Housing Assistance Rehabilitation Program (HARP). This program provides loans to eligible homeowners for moderate to substantial home rehabilitation and/or reconstruction projects. Loan funds are designed to address housing code deficiencies. Between 2006 and 2014, three households in Kingsburg received HARP loans for rehabilitation. The City will continue to participate in these rehabilitation programs, assisting in the promotion of these programs to residents.

The City recognizes the importance of providing rehabilitation assistance to the City's lower income households. The City will continue to utilize Code Enforcement efforts to preserve and improve housing quality in the City and continue to participate in housing rehabilitation programs offered by the County. In addition, the 2015-2023 Housing Element includes the Affordable Housing Incentives program to expand affordable housing opportunities in the City, including the acquisition/rehabilitation of existing housing and deed restriction as affordable housing.



## **Homebuyer Assistance**

The City also provides homebuyer assistance to low-income households through the County's Homebuyer Assistance Program (HAP). Between 2006 and 2014, no first-time homebuyers received assistance through HAP to purchase a home in Kingsburg. In addition, the County utilized Neighborhood Stabilization Program (NSP) funds to purchase one foreclosed home in Kingsburg and resold the unit at affordable price to a low-income homebuyer. The low-income homebuyer received an HAP loan to purchase the foreclosed home.

The NSP program is no longer available as funding has been exhausted. However, the City will continue to participate in the County Homebuyer Assistance Program. The 2015-2023 Housing Element also includes a program (First-Time Homebuyer Resources) to direct residents to available resources.

## SECTION 2G-5: AT RISK

Table 2G-18 shows assisted housing units in Kingsburg. There are 232 assisted affordable units in Kingsburg and none are at risk of expiring in the next 10 years.

**Table 2G-18 Assisted Housing Developments, Kingsburg**

Name	Address	Target Population	Funding Source	# of Units	# of Affordable Units	Affordable Units Expiration	Risk Level
Park Kingsburg Apartments	333 Kern Street	Senior	USDA Section 515, Rural Development Rental Assistance	101	101	Perpetuity	Not At-Risk
Linmar	2395 14th Ave	Senior	USDA Section 515, Rural Development Rental Assistance	48	48	Perpetuity	Not At-Risk
Kingsburg Apartments	801 Stroud Avenue	Family	LIHTC, USDA Section 515, Rural Development Rental Assistance	38	38	2027	Not At-Risk
Marion Villas Apartments	1600 Marion Street	Senior	LIHTC, HOME	46	45	Under Construction (40 years from Place In Service Date)	Not At-Risk
<b>Total</b>				<b>233</b>	<b>232</b>		
<b>Total At Risk</b>				<b>-</b>	<b>0</b>		

Sources: Fresno Council of Governments HCD Pre-Approved Data Package; [www.affordablehousingonline.com](http://www.affordablehousingonline.com); City of Kingsburg, 2015.



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The following changes, in addition to those listed above, would bring Kingsburg's housing element into compliance with Article 10.6 of the Government Code. Accompanying each recommended change, we cite the supporting section of the Government Code.

Housing element technical assistance information is available on the Department's website at [www.hcd.ca.gov/hpd](http://www.hcd.ca.gov/hpd). Among other resources, the Housing Element section contains the Department's latest technical assistance tool, *Building Blocks for Effective Housing Elements (Building Blocks)*, available at [www.hcd.ca.gov/hpd/housing\\_element2/index.php](http://www.hcd.ca.gov/hpd/housing_element2/index.php) and includes the Government Code addressing State housing element law and other resources.

### A. Housing Needs, Resources, and Constraints

1. *Include an inventory of land suitable for residential development, including vacant sites and sites having the potential for redevelopment, and an analysis of the relationship of zoning and public facilities and services to these sites (Section 65583(a)(3)). The inventory of land suitable for residential development shall be used to identify sites that can be developed for housing within the planning period (Section 65583.2).*

Unaccommodated Need from the Previous Planning Period: The unaccommodated need analysis indicates that "the RM-2, CC, and MXU zones have the ability to accommodate 897 multifamily units at allowable densities of at least 15 units per acre" that are sufficient to accommodate the 4<sup>th</sup> cycle planning period RHNA of 499 units for lower income households (page 2G-25). To demonstrate adequate sites were made available in the prior planning period, the element must include an analysis or programs demonstrating compliance with the statutory requirements. For example, the element could describe that the sites zoned CC and MXU had their respective zoning designation for the entirety of the 4<sup>th</sup> cycle planning period. If the City failed to make adequate sites available to accommodate the regional housing need in the prior planning period, it must zone or rezone sites to accommodate any unaccommodated need within the first year of the 2015-2023 planning period (Section 65584.09). For additional information, see Department's AB 1233 Memorandum at [http://www.hcd.ca.gov/hpd/hrc/plan/he/ab\\_1233\\_final\\_dt.pdf](http://www.hcd.ca.gov/hpd/hrc/plan/he/ab_1233_final_dt.pdf) and the *Building Blocks* at [http://www.hcd.ca.gov/hpd/housing\\_element2/GS\\_reviewandrevise.php](http://www.hcd.ca.gov/hpd/housing_element2/GS_reviewandrevise.php).

Realistic Capacity: For sites zoned Central Commercial and Mixed Use Combining District, the element must describe how the estimated number of residential units for each site was determined. The estimate may rely on established minimum density standards or include analysis demonstrating how the number of units for each site was determined (Section 65583.2(c)). In addition, the estimate must also account for land-use controls such as allowing 100 percent nonresidential uses. To demonstrate the likelihood for residential development in nonresidential zones, the element could describe any



performance standards mandating a specified portion of residential and any factors increasing the potential for residential development such as incentives for residential use, and residential development trends in the same nonresidential zoning districts. For additional information, see the *Building Blocks* at [http://www.hcd.ca.gov/hpd/housing\\_element2/SIA\\_zoning.php](http://www.hcd.ca.gov/hpd/housing_element2/SIA_zoning.php).

More than two-thirds of the sites identified to accommodate housing for lower income households are small sites, less than one acre in size. The element must describe whether small sites are expected to develop individually or consolidated with other small sites. *For sites anticipated to be consolidated*, the element must demonstrate the potential for lot consolidation. For example, analysis describing the City's role or track record in facilitating small-lot consolidation, policies or incentives offered or proposed to encourage and facilitate lot consolidation, conditions rendering parcels suitable and ready for redevelopment, recent trends of lot consolidation, and information on the owners of each aggregated site. *For sites anticipated to develop individually*, the element must describe existing and proposed policies or incentives the City will offer to facilitate development of small sites. This is important given the necessary economies of scale to facilitate development of housing affordable to lower-income households. For example, most assisted housing developments utilizing State or federal financial resources typically include at least 50 to 80 units. For additional information and sample analysis, see the *Building Blocks* at: [http://www.hcd.ca.gov/hpd/housing\\_element2/SIA\\_zoning.php#capacity](http://www.hcd.ca.gov/hpd/housing_element2/SIA_zoning.php#capacity).

Sites with Zoning for a Variety of Housing Types (Residential Care Facilities and Group Homes): The housing element indicates small residential care facilities are permitted in all residential zones, except the RA zone. Single family homes are permitted in the RA zone (Table 2G-10, page 2G-35). The housing element must add, or revise, a program to amend the zoning ordinance to comply with state law to treat residential care facilities and group homes with six or fewer residents no differently than other single-family housing uses (See Health and Safety Code Sections 1267.8, 1566.3, 1568.08).

2. *Analyze potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the types of housing identified in paragraph (1) of subdivision (c), and for persons with disabilities as identified in the analysis pursuant to paragraph (7), including land-use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures. The analysis shall also demonstrate local efforts to remove governmental constraints that hinder the locality from meeting its share of the regional housing need in accordance with Section 65584 and from meeting the need for housing for persons with disabilities, supportive housing, transitional housing, and emergency shelters identified pursuant to paragraph (7) (Section 65583(a)(5)).*

Land-Use Controls: While the housing element indicates "any uses in the General Plan (except single family use)" are eligible for consideration within the



MXU Combining District, it must identify all relevant land-use controls for the MXU zone and evaluate their cumulative impacts of land-use controls on the cost and supply of housing, including the ability to achieve maximum densities and cost and supply of housing. In addition, the two parking space per unit, 1 garaged space for all multifamily units, including studio and one-bedroom multifamily units, must be analyzed as a potential constraint on the cost and supply of housing. The housing element should include programs to address or remove the identified constraints.

Fees and Exaction: Clarify whether Tables 2G-12 and 2G-13 include all applicable fees, including school, County and Regional impact fees.

Local Processing and Permit Procedures: The element indicates mixed use development in the Central Commercial (CC) zone is conditionally permitted and residential development in the Mixed Use Combining District (MXU) is eligible for consideration. The element must describe the processing and permit procedures for residential development in the MXU zone and analyze the CUP process as a potential constraint on housing supply and affordability. The analysis should identify findings of approval for the CUP and their potential impact on residential/mixed use development approval certainty, timing, and cost. The element must demonstrate this process is not a constraint or it must include a program to address and remove or mitigate the CUP requirement. For additional information, see the *Building Blocks* at [http://www.hcd.ca.gov/hpd/housing\\_element2/CON\\_permits.php](http://www.hcd.ca.gov/hpd/housing_element2/CON_permits.php).

Growth Management System (GMS): While the housing element includes a general description of the GMS, it must also describe the GMS implementation process and include analyses of the impacts on the cost, supply, timing and affordability of housing. The housing element generally concludes that due to the fact that there are 385 allocations for multifamily housing units during the planning period, this is adequate to accommodate the City's regional housing need for lower income households. Among other things, the element must demonstrate the GMS allows for attaining regional housing needs for each income category. For example, if the multifamily housing unit allocations are awarded to market rate units, would an affordable housing development be ineligible to obtain an allocation. The analysis should also address the following:

- Describe and analyze options for carryover of unused allocations. If carryover is not allowed, describe the impact on the availability of sufficient allocations to accommodate the City's RHNA throughout the planning period.
- Describe if awarded allocations expire if not used within the allowed timeframe.
- Describe how the GMS ensure the RHNA for each income category can be accommodated.
- Identify and analyze any limit to the number of allocations which could be received by a project in a single year and the process for obtaining allocations for layered or phased projects.



- Length of time for approval of allocations and how the approval process relates to other entitlements.
- An analysis of the impacts of scoring criteria on costs and timing of development.
- An analysis of the RDCS process on the certainty and predictability of development approval.

**Inclusionary Housing:** The housing element indicates that there is "an inclusionary housing policy of 15 percent" (page 2G-33). The housing element should describe the City's inclusionary housing requirements including a description of how the policy is implemented and analyze its potential impacts on the cost and supply of housing. A specific description and analysis of the policy's implementation framework, including levels of mandated affordability and a description of the types of options and incentives the City offers to encourage and facilitate compliance with the inclusionary requirements should be included. Analyzing the inclusionary provisions is particularly important given current market conditions and the cumulative impact of local regulations. The City could engage the development community to facilitate this analysis.

## **B. Housing Programs**

1. *Include a program which sets forth a schedule of actions during the planning period, each with a timeline for implementation, which may recognize that certain programs are ongoing, such that there will be beneficial impacts of the programs within the planning period, that the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the housing element through the administration of land-use and development controls, the provision of regulatory concessions and incentives, and the utilization of appropriate federal and state financing and subsidy programs when available. The program shall include an identification of agencies and officials responsible for the implementation of the various actions (Section 65583(c)).*

To address the program requirements of Government Code Section 65583(c)(1-6), and to facilitate implementation, programs should include: (1) a description of the City's specific role in implementation; (2) definitive implementation timelines; (3) objectives, quantified where appropriate; and (4) identification of responsible agencies and officials. Programs to be revised include:

**Program 2: Monitoring of Residential Capacity.** Include a timeline for completing any necessary rezoning to accommodate an identified shortfall of sites. For example, all rezones will be completed within two years of identifying a shortfall of sites.

**Program 3: Affordable Housing Incentives.** Describe the following:

- How developers will be assisted in identifying affordable housing opportunities;
- How an affordable housing development qualifies for flexible development standards and other incentives. For example, must fifty percent of the units



- be affordable to lower income households;
- How will the jurisdiction promote density bonus, flexible development standards, and other incentives;
- What flexible development standards and other incentives offered; and
- If the density bonus offered is in addition to state density bonus law.

The program could also include quantified objectives for housing for persons with special needs.

Program 11: Energy Conservation. The program could describe the following:

- Next steps after "consider incentives" and timelines for the next steps. For example, consider incentives and adopt, as appropriate, identified incentives by 2018;
- How the jurisdiction promotes PG&E programs
- Any other energy conservation programs the jurisdiction promotes; and
- What are "alternative energy devices?"

Program 12: Housing Choice Vouchers (HCV). The element could describe how and where the jurisdiction will "encourage landlords" to participate in the HCV Program.

Include quantified objectives or benchmarks for each program action.

2. *Identify adequate sites which will be made available through appropriate zoning and development standards and with public services and facilities needed to facilitate and encourage the development of a variety of types of housing for all income levels, including rental housing, factory-built housing, mobilehomes, and emergency shelters and transitional housing. Where the inventory of sites, pursuant to paragraph (3) of subdivision (a), does not identify adequate sites to accommodate the need for groups of all household income levels pursuant to Section 65584, the program shall provide for sufficient sites with zoning that permits owner-occupied and rental multifamily residential use by right, including density and development standards that could accommodate and facilitate the feasibility of housing for very low- and low-income households (Section 65583(c)(1)).*

As noted in Finding A1, the element does not include a complete site analysis and therefore, the adequacy of sites and zoning were not established. Based on the results of a complete sites inventory and analysis, the City may need to add or revise programs to address a shortfall of sites or zoning available to encourage a variety of housing types.

As the element relies on consolidated small sites to accommodate a portion of the RHNA for lower-income households, it should include a program(s) to facilitate lot consolidation and development of housing on small sites. For example, the program could commit to (1) granting density bonuses above State density bonus law (Section 65915); (2) deferring fees specifically for consolidation; (3) expediting permit processing; (4) identifying and targeting

specific financial resources; and, (5) modifying development standards. For additional information, see the *Building Blocks* at [http://www.hcd.ca.gov/hpd/housing\\_element2/PRO\\_adgsites.php](http://www.hcd.ca.gov/hpd/housing_element2/PRO_adgsites.php).

3. *The housing element shall contain programs which address, and where appropriate and legally possible, remove governmental constraints to the maintenance, improvement, and development of housing (Section 65583(c)(3)).*

As noted in Finding A2, the element requires a complete analysis of potential governmental constraints. Depending upon the results of that analysis, the City may need to revise or add programs and address and remove or mitigate any identified constraints.



**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
DIVISION OF HOUSING POLICY DEVELOPMENT**

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October 9, 2015

\*\*\*\*CORRECTED\*\*\*\*

Ms. Holly Owen, Director  
Planning and Development Department  
City of Kingsburg  
1401 Draper Street  
Kingsburg, CA 93631

Dear Ms. Owen:

**RE: Review of Kingsburg's 5<sup>th</sup> Cycle (2015-2023) Draft Housing Element**

Thank you for submitting Kingsburg's draft housing element through the Fresno County multi-jurisdictional effort. The element was received for review on August 12, 2015. Pursuant to Government Code (GC) Section 65585(b), the Department is reporting the results of its review. In addition, the Department considered comments from Leadership Council for Justice and Accountability pursuant to GC Section 65585(c).

The draft element addresses many statutory requirements; however, revisions will be necessary to comply with State housing element law (GC, Article 10.6). Please refer to the Appendix of this letter and enclosed letter to Fresno County Council of Governments (Fresno COG) which describes the Departments findings. Once the element is revised and adopted to address these requirements, the element will comply with State housing element law.

To remain on an eight year planning cycle, pursuant to Senate Bill 375 (Chapter 728, Statutes of 2008), Cities must adopt the housing element within 120 calendar days from the statutory due date of December 31, 2015 for Fresno COG. If adopted after this date, GC Section 65588(e)(4) requires the housing element be revised every four years until adopting at least two consecutive revisions by the statutory deadline. For more information on adoption requirements, please visit our website at:  
[http://www.hcd.ca.gov/hpd/hrc/plan/he/he\\_review\\_adoptionsteps110812.pdf](http://www.hcd.ca.gov/hpd/hrc/plan/he/he_review_adoptionsteps110812.pdf).

The Department is committed to continue working with Kingsburg and Fresno COG. If you have any questions or need technical assistance, please contact Tom Brinkhuis, of our staff, at (916) 263-6651.

Sincerely,

Glen A. Campora  
Assistant Deputy Director

Enclosure

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
DIVISION OF HOUSING POLICY DEVELOPMENT**

2020 W. El Camino Avenue, Suite 500  
Sacramento, CA 95833  
(916) 263-2911 / FAX (916) 263-7453  
[www.hcd.ca.gov](http://www.hcd.ca.gov)



February 1, 2016

Ms. Holly Owen, Director  
Planning and Development Department  
City of Kingsburg  
1401 Draper Street  
Kingsburg, CA 93631

Dear Ms. Owen:

**RE: Review of Kingsburg's 5<sup>th</sup> Cycle (2015-2023) Revised Draft Housing Element**

Thank you for submitting the City of Kingsburg's revised draft housing element update, as part of the Fresno County Multi-jurisdictional Housing Element. The element was received on December 10, 2015 along with revisions received on January 25 and 28, 2016. Pursuant to Government Code Section 65585(b), the Department is reporting the results of its review. Our review was facilitated by various communications with Ms. Veronica Tam, the City's consultant. In addition, the Department considered comments from Leadership Council of Justice and Accountability pursuant to Government Code Section 65585(c).

The revised draft element meets the statutory requirements described in the Department's October 9, 2015 review. The revised element will comply with State housing element law (Article 10.6 of the Government Code) when adopted and submitted to the Department, in accordance with Government Code Section 65585(g).

To remain on an eight year planning cycle, pursuant to Senate Bill 375 (Chapter 728, Statutes of 2008), the City must adopt its housing element within 120 calendar days from the statutory due date of December 31, 2015 for Fresno COG localities. If adopted after this date, GC Section 65588(e)(4) requires the housing element be revised every four years until adopting at least two consecutive revisions by the statutory deadline. For more information on housing element adoption requirements, please visit the Department's website at: [http://www.hcd.ca.gov/hpd/hrc/plan/he/he\\_review\\_adoptionsteps110812.pdf](http://www.hcd.ca.gov/hpd/hrc/plan/he/he_review_adoptionsteps110812.pdf).

Public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. Throughout the housing element process and implementation, the City must continue to engage the community, including organizations that represent lower-income and special needs households, by making information regularly available and considering and incorporating comments where appropriate.



For your information, some other elements of the general plan must be updated on or before the next adoption of the housing element. The safety and conservation elements of the general plan must include analysis and policies regarding fire and flood hazard management (GC Section 65302(g)). Also, the land-use element must address disadvantaged communities (unincorporated island or fringe communities within spheres of influence areas or isolated long established "legacy" communities) based on available data, including, but not limited to, data and analysis applicable to spheres of influence areas pursuant to GC Section 56430. Additional information can be obtained from these two Technical Advisories issued by the Governor's Office of Planning and Research at: [http://opr.ca.gov/docs/SB244\\_Technical\\_Advisory.pdf](http://opr.ca.gov/docs/SB244_Technical_Advisory.pdf)  
[http://opr.ca.gov/docs/Final\\_6.26.15.pdf](http://opr.ca.gov/docs/Final_6.26.15.pdf).

Also, on January 6, 2016, HCD released a Notice of Funding Availability (NOFA) for the Mobilehome Park Rehabilitation and Resident Ownership Program (MPRROP). This program replaces the former Mobilehome Park Resident Ownership Program (MPROP) and allows expanded uses of funds. The purposes of this new program are to loan funds to facilitate converting mobilehome park ownership to park residents or a qualified nonprofit corporation, and assist with repairs or accessibility upgrades meeting specified criteria. This program supports housing element goals such as encouraging a variety of housing types, preserving affordable housing, and assisting mobilehome owners, particularly those with lower-incomes. Applications are accepted over the counter beginning March 2, 2016 through March 1, 2017. Further information is available on the Department's website at: <http://www.hcd.ca.gov/financial-assistance/mobilehome-park-rehabilitation-resident-ownership-program/index.html>.

The Department commends the City for participating in the multi-jurisdictional effort. Multi-jurisdictional coordination can result in benefits to the region and Kingsburg. The Department appreciates the hard work and dedication provided by you and Ms. Tam, the City's consultant, in preparation of the housing element and looks forward to receiving Kingsburg's adopted housing element. If you have any questions or need additional technical assistance, please contact Tom Brinkhuis, of our staff, at (916) 263-6651.

Sincerely,



Glen A. Campora  
Assistant Deputy Director

**Attachment "D"**

**Response to Comments on the Initial Study/Negative  
Declaration City of Kingsburg 2015-2023 Housing  
Element**



*City of Kingsburg*  
*2015-2023 Housing Element*  
*Response to Comments on the Initial Study/ Negative Declaration*

An Initial Study was prepared for the 2015-2023 Housing Element and circulated with a Notice of Intent to Adopt a Negative Declaration (NOI) for a 30-day public review period starting January 7, 2016 and ending February 6, 2016.

Six comment letters were submitted. Please note that written responses to these comments are not required by the California Environmental Quality Act (CEQA) pursuant to Section 15074 of the CEQA Guidelines. However, Section 15074(b) of the CEQA Guidelines states, "Prior to approving a project, the decision-making body of the lead agency shall consider the proposed negative declaration or mitigated negative declaration together with any comments received during the public review process." In the interest of full disclosure to the Council, the City has prepared written responses to agency comments.

The following comments were received (comment letters are attached):

Comments received on the San Joaquin 2015-2023 Housing Element Initial Study

<b>Agency/Description</b>	<b>Date</b>
State Clearinghouse	1/20/16
Caltrans District 6	1/20/16
Selma-Kingsburg-Fowler Sanitation	1/19/16
State Water Resources Control Board	1/11/16
San Joaquin Valley Air Pollution Control District	12/30/15
Fresno LAFCo	1/15/16
Sun-Maid Growers of California	1/2/16

**A. Response to the State Clearinghouse**

The letter from the State Clearinghouse acknowledges that the City has complied with State Clearinghouse requirements for review of CEQA documents by State Agencies.

**B. Response to Caltrans District 6**

The letter from Caltrans calls for the need for internal consistency for the General Plan land uses, circulation and housing elements. In crafting the Housing Element for the City of Kingsburg, care has been taken to ensure consistency within and between City planning documents. RTMF fees, encouraged to be collected in the letter, are already being done so by the City. Finally, the City, through participation with regional agencies, is well aware and participates in the creation of long range planning documents being prepared for the State Highway system within Fresno County.

*City of Kingsburg*  
*2015-2023 Housing Element*  
*Response to Comments on the Initial Study/Negative Declaration*

**C. Response to SKF Sanitation District**

This letter is informational and provides clarification to the City regarding the District's total facility capacity and total amount of treated water in calendar year 2015. The comments do not address the adequacy of the analysis provided in the Initial Study, and no additional explanation or edits to the Initial Study are required.

**D. Response to the State Water Resources Control Board**

The SWRCB asserts that the Initial Study should have included an analysis of the domestic water supply system source capacity. As required by City law, the City will comply with all applicable regulations in ensuring that adequate supply is provided to meet demand as future housing development occurs. The Initial Study includes a program-level analysis that does not directly authorize construction of any housing. Proposed housing shall meet State law to provide safe, adequate drinking water.

**E. Response to the San Joaquin Valley Air Pollution Control District**

The SJVAPCD letter serves a reminder to continue practices already in place for the City, namely, that, when appropriate:

- 1) Project Air Quality Assessment be performed in a quantifiable way, especially concerning construction and operational emissions and health impacts
- 2) Potential health risks be reviewed and considered when approving future projects, even those that fall outside of requirements by CEQA, and
- 3) Compliance with District Rule 9510 (Indirect Source Review) be made a condition of project approval.

All of these are current practices within the City of Kingsburg for project approval.

**F. Response to Fresno LAFCo**

The comments from LAFCo request City compliance not only with the requirements under Cortese-Knox-Hertzberg Act of 2000, but that the City, through long-range planning efforts and up to date municipal service planning, take LAFCo's objectives into consideration. Consistency with CKH, above, as well as with the Commission's Policies, Standards and Procedures is strongly encouraged.

**G. Response to Sun-Maid Growers of California**

The comment letter from Sun-Maid Growers requests assurance that the City of Kingsburg maintains adequate resources to match community needs for fire, police, schools, parks and water with sufficient tax base and availability. As their concern seems mainly focused on wastewater treatment provided by SKF and as they have received assurances from SKF as to capacity, their concern is that the political will be demonstrated by the City to fund capital improvement projects as needed. It is in the City's best interests to do so, and to continue to support the wise use of current and future revenues to adequately fund infrastructure for growth, not only for residential development but for commercial and industrial growth.





Edmund G. Brown Jr.  
Governor

STATE OF CALIFORNIA  
Governor's Office of Planning and Research  
State Clearinghouse and Planning Unit



Ken Alex  
Director

January 20, 2016

Holly Owen  
City of Kingsburg  
1401 Draper Street  
Kingsburg, CA 93631

Subject: City of Kingsburg 2015-2023 Housing Element Update  
SCH#: 2015121063

Dear Holly Owen:

The State Clearinghouse submitted the above named Mitigated Negative Declaration to selected state agencies for review. The review period closed on January 19, 2016, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan  
Director, State Clearinghouse

D



**Document Details Report  
State Clearinghouse Data Base**

**SCH#** 2015121063  
**Project Title** City of Kingsburg 2015-2023 Housing Element Update  
**Lead Agency** Kingsburg, City of

---

**Type** MND Mitigated Negative Declaration  
**Description** The project is the adoption and implementation of the Kingsburg General Plan 2015-2023 Housing Element. The Housing Element is one of seven required elements of the General Plan. It addresses existing and future housing needs of persons of all economic segment groups, and serves as a tool for decision-makers and the public in understanding and meeting housing needs in Kingsburg. While the law does not require local gov't to construct housing to meet identified needs, it does require that the community address housing needs in its discretionary planning actions by creating opportunities for housing in the land use plan and facilitating housing development through policy.

---

**Lead Agency Contact**

**Name** Holly Owen  
**Agency** City of Kingsburg  
**Phone** 559-862-7030 **Fax**  
**email**  
**Address** 1401 Draper Street  
**City** Kingsburg **State** CA **Zip** 93631

---

**Project Location**

**County** Fresno  
**City** Kingsburg  
**Region**  
**Lat / Long** 36° 31' 04" N / -119° 33' 23" W  
**Cross Streets** Sierra Street and Marion Street  
**Parcel No.**  
**Township** 16S **Range** 22E **Section** many **Base** Mt. Diabl

---

**Proximity to:**

**Highways** 99  
**Airports**  
**Railways** multiple  
**Waterways** multiple  
**Schools** multiple  
**Land Use** Multiple

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**Project Issues** Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Minerals; Noise; Public Services; Recreation/Parks; Population/Housing Balance; Schools/Universities; Septic System; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Landuse; Cumulative Effects

---

**Reviewing Agencies** Resources Agency; Department of Conservation; Department of Fish and Wildlife, Region 4; Office of Historic Preservation; Department of Parks and Recreation; Office of Emergency Services, California; California Highway Patrol, Caltrans, District 6; Department of Housing and Community Development; Air Resources Board; Regional Water Quality Control Bd., Region 5 (Fresno); Native American Heritage Commission; Public Utilities Commission; State Lands Commission

---

**Date Received** 12/18/2015 **Start of Review** 12/18/2015 **End of Review** 01/19/2016



## DEPARTMENT OF TRANSPORTATION

DISTRICT 6  
1352 WEST OLIVE AVENUE  
P.O. BOX 12616  
FRESNO, CA 93778-2616  
PHONE (559) 445-5868  
FAX (559) 445-5875  
TTY 711  
www.dot.ca.gov



Serious drought.  
Help save water!

January 20, 2016

06-FRE-GEN-GEN

Housing Element

City of Kingsburg

Ms. Holly Owen  
Planning Director  
City of Kingsburg  
1401 Draper Street  
Kingsburg, CA 93631

Dear Ms. Owen:

Thank you for the opportunity to review and comment on the Notice of Intent to Adopt a Negative Declaration or Mitigated Negative Declaration for the 2015-2023 Housing Element for the City of Kingsburg. Caltrans has the following comments:

- General Plan land uses, circulation and housing elements should be internally consistent and compatible with each other and externally compatible with Caltrans transportation facilities, their operations, safety and any regional or system plans.
- Housing placements that facilitate bicycle and pedestrian circulation for short distance trips are encouraged. Apply Americans with Disabilities Act (ADA) standards in all developments.
- The City should preserve adequate right-of-way for new and expanded transportation facilities. Long-range planning documents are being prepared for the State Highway System within Fresno County. Caltrans will work with the County and or City to protect the State Highway System.
- The Fresno Regional Transportation Mitigation Fees are paid to ensure that future development contributes toward the cost to mitigate cumulative and indirect regional transportation impacts. If not already in place, the City should consider collecting traffic mitigation fees to mitigate impacts to major roads and intersections.

If you have any further questions, please contact David Padilla, Associate Transportation Planner, Transportation Planning at (559) 444-2493.

Sincerely,

MICHAEL NAVARRO, Chief  
Planning North Branch



*Committed to our communities. Protecting tomorrow's water resources by treating today's wastewater through innovation and superior level of service.*



**SELMA - KINGSBURG - FOWLER  
COUNTY SANITATION DISTRICT**

**DIRECTORS**

David Cárdenas, Chairman  
Buddy Mendes, Vice-Chairman  
Henry Perea  
Yvette Montijo  
Michelle Roman

**STAFF**

Ben Muñoz, Jr., General Manager

January 19, 2016

*Sent Via Electronic Mail*

MIG

Christopher Brown

Director of Environmental Services

1500 Iowa Avenue STE 110

Riverside CA 92507

**Subject: 2015-2023 Housing Element for The Cities of Selma, Kingsburg, Fowler  
Initial Study – (Mitigated) Negative Declaration**

The District has completed the review of the Initial Study Mitigated Negative Declaration for the cities of Selma, Kingsburg, and Fowler. The District has the following comments in regard to Section 17 Utilities and Service Systems:

- The total facility capacity is 8.0 million gallons per day.
- The facility treated 1,565 million gallons in calendar year 2015<sup>1</sup>.

The District appreciates the opportunity to comment on the Housing Element 2013-2023 Initial Study (Mitigated) Negative Declaration. Please contact me at 559-897-6500 extension 230 if you have any questions.

Regards,

Veronica Cazares, PE  
District Engineer

Cc: Ben Muñoz, SKF  
Bryant Hemby, Ken Gray, City of Selma  
Bruce O'Neal, David Elias, City of Fowler  
Holly Owen, Alex Henderson, City of Kingsburg

<sup>1</sup> 2015 Draft District Annual Report





CLARENCE G. BARNES JR.  
CHAIRMAN

MARTIN H. HODGINS  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

**State Water Resources Control Board**  
Division of Drinking Water

January 11, 2016

Holly Owen, Planning Director  
City of Kingsburg, Community Development Department  
1401 Draper Street  
Kingsburg, California 93631

RE: City of Kingsburg  
System No. 1010019  
2015-2023 Housing Element Initial study – Mitigated Negative Declaration

Dear Ms. Owen:

The State Water Resources Control Board, Division of Drinking Water (Division) has received copies of the Initial Studies for the 2015-2023 Housing Elements for the City of Kingsburg.

The Division's role in reviewing this Initial Study is to ensure compliance with all drinking water standards, regulations and statutes is not impacted by the proposal. The City is regulated under the Safe Drinking Water Act via a domestic water supply permit issued by the Division. Section 9(a) of the Initial Study does not adequately address issues related to the domestic water supply system source capacity for the housing element evaluation. Especially during this time of drought, it is critical to ensure adequate water sources are available to meet existing and planned growth prior to growth taking place. California Code of Regulations, Title 22, California Waterworks Standards, Section 64554 outlines requirements for meeting maximum and peak hourly demands. Each Initial Study should include this evaluation.

If you have any questions regarding this matter, please contact me at (559) 447-3300.

Sincerely,

Betsy S. Licht, P.E.  
Senior Sanitary Engineer, Fresno District  
SOUTHERN CALIFORNIA BRANCH  
DRINKING WATER FIELD OPERATIONS

cc: Christopher Brown, Director of Environmental Services  
MIG  
1500 Iowa Avenue, Suite 110  
Riverside, CA 92507





# San Joaquin Valley

AIR POLLUTION CONTROL DISTRICT



December 30, 2015

Holly Owen  
City of Kingsburg  
Planning Department  
1401 Draper Street  
Kingsburg, CA 93631

**Project: Initial Study, Mitigated Negative Declaration –  
City of Kingsburg 2015-2023 Housing Element (SCH # 2015121063)**

**District CEQA Reference No: 20151056**

Dear Ms. Owen:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the above referenced project. Per the Initial Study (IS), the proposed project consists of the of the City of Kingsburg's 2015-2023 Housing Element. "The 2015-2023 Housing Element applies to all proposed and existing residential and mixed-use General Plan land use designations and zoning districts that support residential or mixed-use development ..." The Housing Element is a policy-level amendment and does not include any site-specific designs or proposals, nor does it grant any entitlements for development. Per the IS, "Future development proposals not exempt from CEQA will be subject to the environmental review process to identify impacts ..."

The District offers the following comments:

## **1. Project Air Quality Assessment**

**Quantification of Project related air quality impacts, such as construction emissions, operational emissions, and health impacts are to be assessed when project level details are available.**

Future development may require further environmental review and mitigation. Referral documents for those projects should include a project summary detailing, at a minimum, the land use designation, project size, estimates of potential construction, mobile and stationary emissions, and proximity to sensitive receptors and existing emission sources.

Sayed Sadredin  
Executive Director/Air Pollution Control Officer

Northern Region  
4800 Enterprise Way  
Modesto, CA 95356-8718  
Tel: (209) 567-6400 FAX: (209) 567-6478

Central Region (Main Office)  
1990 L. Eddyburg Avenue  
Fresno, CA 93726-0244  
Tel: (559) 230-8000 FAX: (559) 230-8061

Southern Region  
34946 Flyover Court  
Bakersfield, CA 93308-9725  
Tel: 801-392-5500 FAX: 801-392-5589





# Fresno Local Agency Formation Commission

January 15, 2016

Holly Owen, Planning Director  
City of Kingsburg, Community Development Department  
1401 Draper Street  
Kingsburg, California 93631

Dear Ms. Owen,

**Subject: City of Kingsburg 2015-2023 Housing Element Update, Fifth Round**

Thank you for including the Fresno Local Agency Formation Commission (LAFCO) in the environmental review process for the subject project. On behalf of LAFCO, the following comments are provided for your agencies' consideration.

LAFCO's is authorized by the Legislature to assist local governmental agencies to advantageously plan for their current and future needs of by appropriately matching growth with municipal services and resources. The Legislature recognized that providing housing for persons and families of all incomes is necessary for the social and fiscal well-being of the state.<sup>1</sup>

Pursuant to Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH), Fresno LAFCO regulates, through approval or denial, of boundary changes proposed by a local agency or individuals. LAFCO's objectives are to:

- Encourage orderly formation and development of agencies;
- Encourage consistency with spheres of influence and recommend reorganization of agencies;
- Encourage orderly urban development and preservation of open space patterns;
- Encourage conservation of prime agricultural lands and open space areas;
- Identify and address disadvantaged unincorporated communities; and,
- Conduct service reviews of municipal services provided in the county.

CKH provides that LAFCOs consider regional growth goals and policies established by "collaboration of elected officials only, formally representing their local jurisdictions in an official capacity on a regional or sub-regional basis."<sup>2</sup> The result of this is to not only to involve LAFCO in housing issues by specifically emphasizing fair share housing needs, but to also give LAFCO the formal ability to consider regional growth goals as established by regional agencies, such as the Council of Governments (COG). LAFCO

<sup>1</sup> Government Code Section 56001.

<sup>2</sup> Government Code Section 56668.5.



January 15, 2016

Page 2

praises the City's collaboration with its fellow local agencies on the Fresno Multi-Jurisdictional 2015-2023 Housing Element coordinated by the Fresno COG.

Because the Commission regulates City growth, it is to the City's benefit that its long-range planning efforts, as well as municipal service planning, take the Commission's objectives into consideration. Future applications made LAFCo will be evaluated based on the request's consistency with CKH, and the Commission's Policies, Standards and Procedures. You are encouraged to review these documents and incorporate their requirements and standards into the future applications to the Commission. Links to these documents are provided below in footnotes.<sup>3,4</sup>

Thank you for the opportunity to review and comment on the City of Kingsburg 2015-2023 Housing Element Update, Fifth Round. Please feel free to contact this office with any questions or comments.

Sincerely,



George W. Uc  
LAFCo Analyst

<sup>3</sup> <http://fresnolafco.org/documents/cortese%20knox%20act.pdf>

<sup>4</sup> <http://fresnolafco.org/documents/POLICIES%20STANDARDS%20%20PROCEDURES.pdf>





## Sun-Maid Growers of California

13525 South Bethel Avenue  
Kingsburg, CA, 93631-9232  
Ph. 559/896-8000 • Fax: 559/897-6209  
E-mail: [ingsales@sunmaid.com](mailto:ingsales@sunmaid.com)

February 2, 2016

Holly Owen, Planning Director  
City of Kingsburg, Community Development Dept  
1401 Draper Street  
Kingsburg, CA 93631

**RE: City of Kingsburg 2015-2023 Housing Element Update**

Dear Ms. Owen,

Sun-Maid Growers of California is the world's largest processor of raisins and dried fruit. We employ more than 700 people at our processing plant, located at 13525 South Bethel Avenue, Kingsburg, CA 93631. In 2012, we celebrated our 100<sup>th</sup> Anniversary.

Sun-Maid's 640,000 square-foot plant sits on a 100+ acre site in what is called the North Kingsburg Industrial Triangle Neighborhood, an area bound by Mountain View Ave., Bethel Ave. and Golden State Blvd. in Fresno County. Three established businesses exist in the Plan area. The Sun-Maid Growers raisin plant has been located on its current site since 1964 and has also made incremental modifications to increase plant efficiency with the largest expansion occurring in 2009. The Vie-Del Company has produced various products from fruit at its current location in 1970 and over time has expanded incrementally to accommodate its needs. Guardian Industries produces glass products and has been located within the plan area since 1978. As three heavy industrial users recently annexed into the City of Kingsburg, we make a significant contribution to the local economy and look forward to continued success at our established locations.

In reviewing the 2015-2023 Housing Element study, we want to insure that the City of Kingsburg maintains adequate resources to match community needs for fire, police, schools, parks and water with sufficient tax base and availability. As members of the SKF Sanitation District, our concern is that SKF will expand capacity as needed in order to continue to provide wastewater treatment at a sustained level through 2023 and beyond. After reviewing planning documents on the SKF website and speaking with general manager, Ben Munoz, Jr. we have confidence that the structure is in place to provide adequate capacity and conveyance, as long as the funding sources remain intact, and the political will to increase utility rates to fund capital improvement projects as needed continues.

Sincerely,

Jackie Grazier  
Marketing Director  
Sun-Maid Growers of California



## **RESOLUTION NO. 2016-03**

### **PLANNING COMMISSION RESOLUTION RECOMMENDING THAT THE CITY COUNCIL APPROVE GENERAL PLAN AMENDMENT 2016-01 AND ADOPT THE CITY OF KINGSBURG 2015-2023 HOUSING ELEMENT**

**WHEREAS**, the City of Kingsburg Planning Commission held a duly noticed public hearing on February 11, 2016 to consider a recommendation to the City Council to approve General Plan Amendment 2016-01 and adopt the 2015–2023 Housing Element; and

**WHEREAS**, on May 20, 2015, the Kingsburg City Council held a public meeting to receive input from the public resulting in authorization for the City Manager to forward the Draft Housing Element to the State Department of Housing and Community Development (HCD) for review; and

**WHEREAS**, on August 12, 2015, staff submitted the Draft Housing Element to HCD for review; and,

**WHEREAS**, on October 9, 2015, HCD issued a comment letter on the Draft Housing Element resulting in revisions delivered to HCD in December 2015; and,

**WHEREAS**, on February 1, 2016, HCD issued a letter of conditional approval to the City Manager stating that the Draft Housing Element and associated revisions meet the statutory requirements of State housing Element law and will comply with State law (Government Code, Article 10.6) when they are adopted and submitted to HCD pursuant to Government Code Section 65585(g); and,

**WHEREAS**, an Initial Study and Negative Declaration has been prepared, in accordance with the California Environmental Quality Act of 1970, as amended.

**NOW, THEREFORE, BE IT RESOLVED** that based on evidence in the staff report, public testimony, and the project file, the Planning Commission hereby recommends that the City Council approve General Plan Amendment 2016-01 and adopt the 2015-2023 Housing Element based on the following findings:

1. The Initial Study/Negative Declaration is adequate in assessing the impacts associated with the proposed Housing Element and there is no substantial evidence that the proposed Housing Element will result in significant impacts to the environment.
2. The proposed Housing Element maintains internal consistency with all elements of the General Plan and would not create any inconsistencies.
3. The 2015-2023 Housing Element establishes appropriate goals, policies, and programs to address such issues as adequate sites, affordability, governmental constraints, preservation of housing and neighborhoods, housing accessibility, and energy conservation.



4. The Housing Element has been prepared in conformance with the provisions of State law requirements of California Government Code Article 10.6 and adoption of the 2015-2023 Housing Element is the final requirement per Government Code Section 65585(g).

\*\*\*\*\*


I, Mary Colby, Secretary to the Planning Commission of the City of Kingsburg, do hereby certify that the foregoing resolution was duly passed and adopted at a regular meeting of the Kingsburg Planning Commission held on the 11th day of February, 2016, by the following vote:

Ayes: Commissioners: Kinney, Rountree, Kruper, Cozbey, Johnson and Henslee

Noes: Commissioners: None

Absent: Commissioners: Poyner

Abstain: Commissioners: None

  
Mary E. Colby  
Planning Commission Secretary  
City of Kingsburg

**RESOLUTION NO. 2016-016**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KINGSBURG  
ADOPTING A NEGATIVE DECLARATION FOR GPA 2016-01 AND FOR THE CITY  
OF KINGSBURG HOUSING ELEMENT 2015-2023**

**WHEREAS**, the Kingsburg City Council did consider during a duly noticed public hearing conducted on March 16, 2016, General Plan Amendment (GPA) 2016-01 for the City of Kingsburg Housing Element as initiated by the City of Kingsburg; and

**WHEREAS**, a Housing Element Update has been prepared for the period 2015-2023 for the City of Kingsburg in accordance with State Planning Law (Government Code Sections 65580 through 65589.8); and

**WHEREAS**, the Kingsburg Housing Element establishes appropriate goals, policies, and programs to address such issues as adequate housing sites, affordability, governmental constraints, preservation of housing and neighborhoods, housing accessibility, and energy conservation; and

**WHEREAS**, the City of Kingsburg caused to be prepared an Initial Study for the project to evaluate potentially significant adverse environmental impacts; and

**WHEREAS**, the City caused to be prepared a Negative Declaration for the project; and

**WHEREAS**, the Negative Declaration has been prepared, circulated, and made available for public comment pursuant to the California Environmental Quality Act (CEQA), Public Resources Code, sections 21000, et seq., and the Guidelines for implementation of CEQA, 14 California Code of Regulations, sections 15000, et seq.; and

**WHEREAS**, the City Council has evaluated and considered all comments, written and oral, received from persons who reviewed the Negative Declaration, or otherwise commented on the Project.

**NOW THEREFORE, BE IT RESOLVED** that the Kingsburg City Council:

- A. Adopts the forgoing recitals as true and correct.
- B. Finds that the Initial Study and Negative Declaration are adequate and have been completed in compliance with CEQA and the State CEQA guidelines.
- C. Finds and declares that the Initial Study and Negative Declaration presented to the City Council were independently reviewed and the Council considered the information contained in the Initial Study and Negative Declaration prior to considering the 2015-2023 Housing Element.



- D. Finds on the basis of the whole record before it, including the Initial Study, Negative Declaration, and any comments received, that there is no substantial evidence in the record that the approval of General Plan Amendment 2016-01 will have a significant effect on the environment.
- E. Finds that the project as proposed and described in the Negative Declaration may be approved (persuant to separate resolution).
- F. Directs that the record of these proceedings be contained at the City Hall located at 1401 Draper Street, Kingsburg, California, 93631, and that the custodian of the record be the City Clerk or any other person designated by the City Manager.
- G. Authorizes the City Manager, or his designee, to file a Notice of Determination for the project in accordance with CEQA and to pay any fees required for such filing.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Kingsburg duly called and held on the 16<sup>th</sup> day of March, 2016, by the following vote:

AYES:	Council Member	_____
		_____
		_____
		_____
		_____

NOES:	Council Member	_____
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ABSTAIN:	Council Member	_____
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ABSENT:	Council Member	_____
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APPROVED

\_\_\_\_\_  
Bruce Blayney, Mayor

ATTEST: \_\_\_\_\_  
Abigail Palsgaard, City Clerk

STATE OF CALIFORNIA   )  
COUNTY OF FRESNO    )ss  
CITY OF KINGSBURG    )

I, ABIGAIL PALSGAARD, City Clerk of the City of Kingsburg, do hereby certify the foregoing Resolution was duly passed and adopted at a regular meeting of said City Council held on the 16<sup>th</sup> day of March, 2016.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Abigail Palsgaard, City Clerk



**CITY OF KINGSBURG  
NEGATIVE DECLARATION**

**Approved: March 16, 2016**

**File with: County Clerk**

**Finding:** The City of Kingsburg has determined that the project described below will not have a significant effect on the environment; therefore, preparation of an Environmental Impact Report is not required.

**Lead Agency:** City of Kingsburg

**Project Title:** City of Kingsburg Housing Element Update 2015-2023

**Project Location:** The project is located in the City of Kingsburg, California.

**Project Description:** State Planning Law requires that the General Plan contain seven elements, including the Housing Element. Government Code Sections 65580 through 65589.8 specify the contents for Housing Elements and the update schedule. The 2015-2023 Kingsburg Housing Element establishes appropriate goals, policies, and programs to address such issues as adequate housing sites, affordability, governmental constraints, preservation of housing and neighborhoods, housing accessibility, and energy conservation.

**Environmental Assessment:** The Initial Study for this project is available for review at the City of Kingsburg, City Hall, 1401 Draper Street, Kingsburg, CA 93631.

**Justification for Negative Declaration:** The Initial Study does not identify any potentially significant environmental effects that would result from the proposed project. Accordingly, approval of a Negative Declaration for the project is in compliance with the CEQA Guidelines. The City finds that the proposed project can be adequately served by City public services including public utilities (sewer and water) and police and fire protection services. The project will not have negative aesthetic effects, will not affect rare or endangered plant or animal species, or interfere with the movement of any resident or migratory fish or wildlife species. The project will not adversely affect water quality, contaminate public water supplies, or cause substantial flooding, erosion, or siltation, nor have a significant effects on air quality, transportation or circulation systems, noise, light and glare, and land use. No significant cumulative impacts will occur.

Contact Person: April Palsgaard, City Clerk, Phone: (559) 897-5821.

**RESOLUTION NO. 2016-017**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KINGSBURG  
APPROVING GENERAL PLAN AMENDMENT 2016-01 (GPA 2016-01) AND  
ADOPTION OF THE 2015-2023 HOUSING ELEMENT IN THE CITY OF KINGSBURG**

**WHEREAS**, in compliance with Government Code § 65355, the City of Kingsburg City Council held a duly noticed public hearing on March 16, 2016 to consider adoption of the 2015–2023 General Plan Housing Element; and

**WHEREAS**, a public hearing of the Kingsburg Planning Commission was held on February 11, 2016 in compliance with Government Code § 65353 and 65854 resulting in a recommendation to the City Council to adopt the 2013–2025 Housing Element; and

**WHEREAS**, on June 3, 2015, the City Council held a public meeting to receive input from the public resulting in authorizing the City Manager to forward the Draft Housing Element to the State Department of Housing and Community Development (HCD) for review; and

**WHEREAS**, on August 12, 2015, staff submitted the Draft Housing Element to HCD for review; and

**WHEREAS**, on October 9, 2015, HCD issued a comment letter on the Draft Housing Element resulting in revisions delivered to HCD in December 2015; and

**WHEREAS**, on February 1, 2016, HCD issued a letter of conditional approval stating that the Draft Housing Element and associated revisions meet the statutory requirements of State housing Element law and will comply with State law (Government Code, Article 10.6) when they are adopted and submitted to HCD pursuant to Government Code Section 65585(g); and

**WHEREAS**, an Initial Study and Negative Declaration have been prepared in accordance with the California Environmental Quality Act of 1970, as amended.

**NOW, THEREFORE, BE IT RESOLVED** that based on the evidence in the staff report, public testimony, and project files, the City Council hereby adopts the 2015-2023 Housing Element based on the following findings:

1. The Initial Study/Negative Declaration is adequate in assessing the impacts associated with the Housing Element and there is no substantial evidence in the record that the proposed Housing Element will result in significant impacts to the environment.

2. The proposed amendment ensures and maintains internal consistency of all elements of the General Plan and would not create any inconsistencies.

3. The 2015-2023 Housing Element establishes appropriate goals, policies, and programs to address such issues as adequate sites, affordability, governmental constraints, preservation of housing and neighborhoods, housing accessibility, and energy conservation.

4. The Housing Element has been prepared in conformity with the provision of State law requirements of California Government Code Article 10.6 and adoption of the 2015-2023 Housing Element is the final requirement per Government Code Section 65585(g).



PASSED AND ADOPTED at a regular meeting of the City Council of the City of Kingsburg  
duly called and held on the 16<sup>th</sup> day of March, 2016, by the following vote:

AYES: Council Member \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

NOES: Council Member \_\_\_\_\_

ABSTAIN: Council Member \_\_\_\_\_

ABSENT: Council Member \_\_\_\_\_

APPROVED \_\_\_\_\_  
Bruce Blayney, Mayor

ATTEST: \_\_\_\_\_  
Abigail Palsgaard, City Clerk

STATE OF CALIFORNIA )  
COUNTY OF FRESNO )ss  
CITY OF KINGSBURG )

I, ABIGAIL PALSGAARD, City Clerk of the City of Kingsburg, do hereby certify the  
foregoing Resolution was duly passed and adopted at a regular meeting of said City Council held  
on the 16th day of March, 2016.

Dated: \_\_\_\_\_  
Abigail Palsgaard, City Clerk



## KINGSBURG POLICE DEPARTMENT

1300 California Street – Kingsburg, Ca. 93631 – (559) 897-2931

Neil Dadian  
Chief of Police

To: Mayor & City Council  
From: Corina Padilla  
Date: March 9, 2016  
Subject: February 2016 Crime Statistics & Prevention Update

Our Part I Crimes such as assaults, burglary, thefts, and auto thefts for February 2016 decreased compared to January 2016, with the biggest in auto thefts. Part I Crimes increased compared to February 2015, with auto thefts being the biggest.

Other Offenses such as domestic violence, vandalism, sex offense, child abuse, narcotics crimes, other felonies, and incident reports, increased compared to January 2016, with the largest being vandalisms.

February 2016 traffic accidents increased by one compared to January 2016. The number of arrests made decreased by ten and citations issued decreased by fifteen compared to January 2016.

There was an increase in the number of calls for service for February 2016 period compared to January 2016 period.

We continue to use Facebook, Kingsburg PD mobile application, and NIXLE as situations warrant in order to keep our citizens informed.



**Kingsburg Police Department**  
**Crime and Activity Report**  
**February 2016**

**Part I Offenses:**

**Number of Offenses Reported**

Murder			0
Rape-Forcible			0
Robbery			2
Assault-Aggravated			1
Burglary			13
Theft			7
Auto Theft			11
<b>Total</b>			<b>34</b>

<b>Arson</b>			<b>0</b>
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**Other Offenses:**

Domestic Violence			9
Vandalism			15
Sex Offense			1
Child Abuse			0
Narcotic Violations			6
Other Felonies			6
Other Misdemeanors			4
Incident Reports			28
<b>Total</b>			<b>69</b>

**Other Statistics:**

Traffic Accident-Fatal			0
Traffic Accident-Injury			2
Traffic Accident-No Injury			5
<b>Total</b>			<b>7</b>

<b>Calls for Service</b>			<b>1055</b>
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**Citation Summary:**

		Vehicle Code	33
		Penal Code	6
<b>Arrests</b>		Health & Safety	4
Felony Adults	8	Municipal Code	3
Misdemeanor Adults	25	Other	0
Felony Juveniles	0	Parking	3
Misdemeanor Juveniles	3	<b>Total</b>	<b>49</b>
<b>Total</b>	<b>36</b>		

**Volunteer Hours:**

Public Safety Volunteer	47
Police Intern	6

**Kingsburg Police Department**  
**Crime and Activity Report**  
**January 2016**

<b>Part I Offenses:</b>	<b>Number of Offenses Reported</b>
Murder	0
Rape-Forcible	0
Robbery	1
Assault-Aggravated	2
Assault-Simple	6
Burglary	6
Theft	17
Auto Theft	6
<b>Total</b>	<b>38</b>

<b>Arson</b>	<b>1</b>
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<b>Part II Offenses:</b>	
Vandalism	5
Sex Offense	0
Child Abuse	0
Narcotic Violations	5
Runaways	0
Other Felonies	13
Other Misdemeanors	3
Incident Reports	39
<b>Total</b>	<b>65</b>

<b>Other Statistics:</b>	
Traffic Accident-Fatal	0
Traffic Accident-Injury	1
Traffic Accident-No Injury	5
<b>Total</b>	<b>6</b>

<b>Calls for Service</b>	<b>1038</b>
<b>Ambulance Request</b>	<b>22</b>
<b>Fire Calls</b>	<b>2</b>

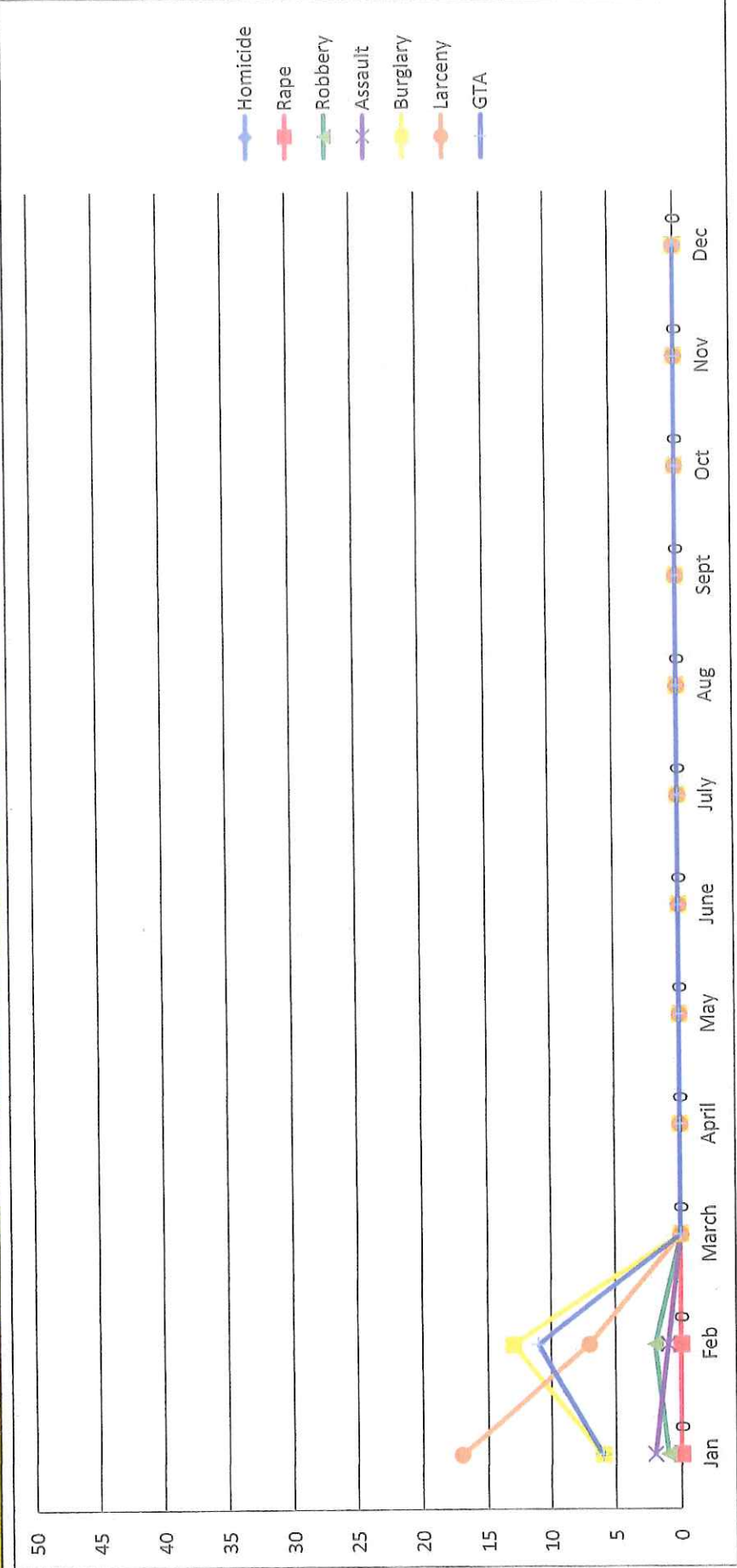
<b>Animal Control</b>		<b>Citation Summary:</b>	
Calls for Service	12	Vehicle Code	22
Bites	0	Penal Code	11
Impounds	0	Health & Safety	9
Claimed by Owner	0	Municipal Code	20
		Other	2
		Parking	0
		<b>Total</b>	<b>64</b>

<b>Arrests</b>	
Felony Adults	11
Misdemeanor Adults	33
Felony Juveniles	3
Misdemeanor Juveniles	2
<b>Total</b>	<b>49</b>



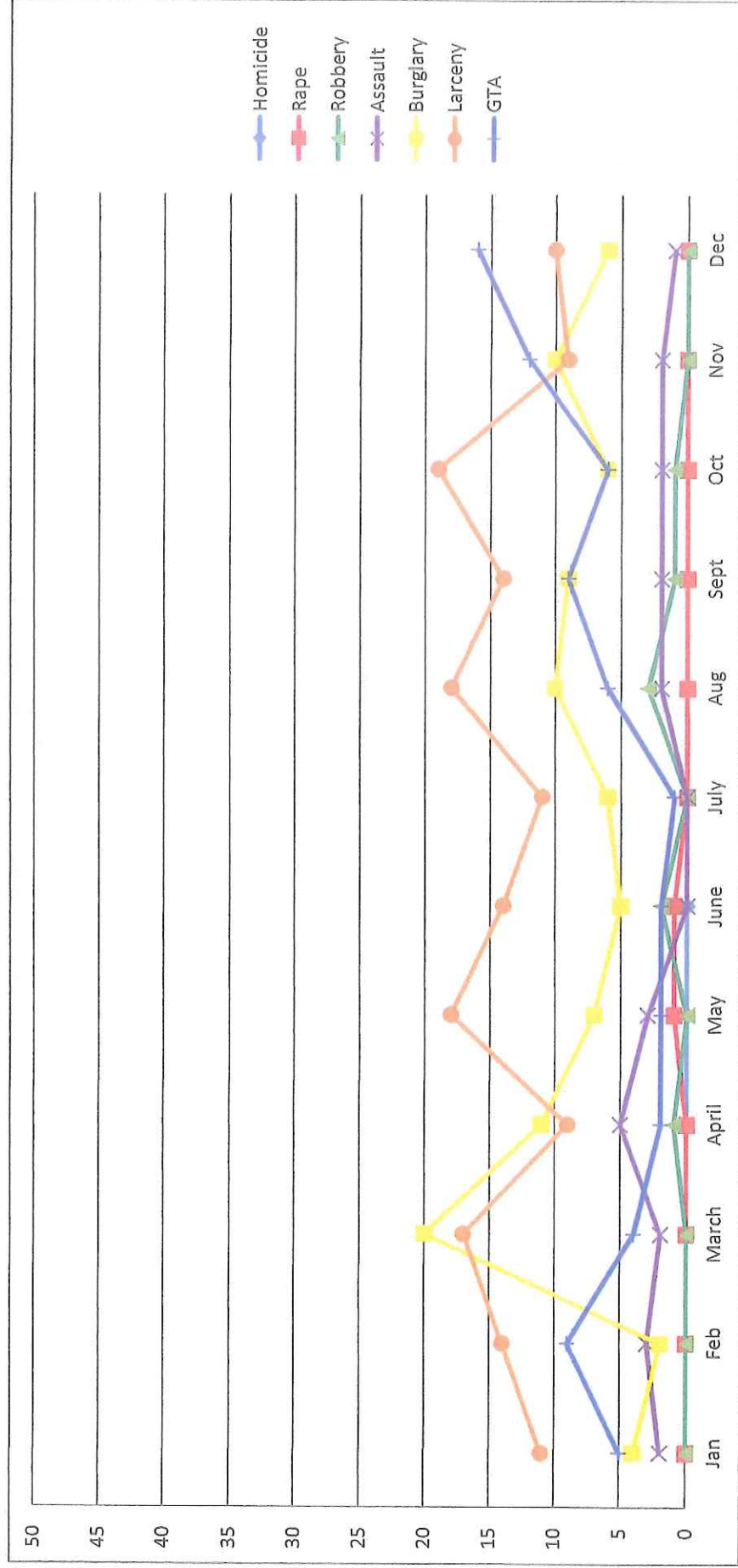
Kingsburg Police Department  
2016 Part I Crimes

Part I Crimes	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
Homicide	0	0	0	0	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	1	2	0	0	0	0	0	0	0	0	0	0	3
Assault	2	1	0	0	0	0	0	0	0	0	0	0	3
Burglary	6	13	0	0	0	0	0	0	0	0	0	0	19
Larceny	17	7	0	0	0	0	0	0	0	0	0	0	24
GTA	6	11	0	0	0	0	0	0	0	0	0	0	17
Total	32	34	0	0	0	0	0	0	0	0	0	0	66



Kingsburg Police Department  
2015 Part I Crimes

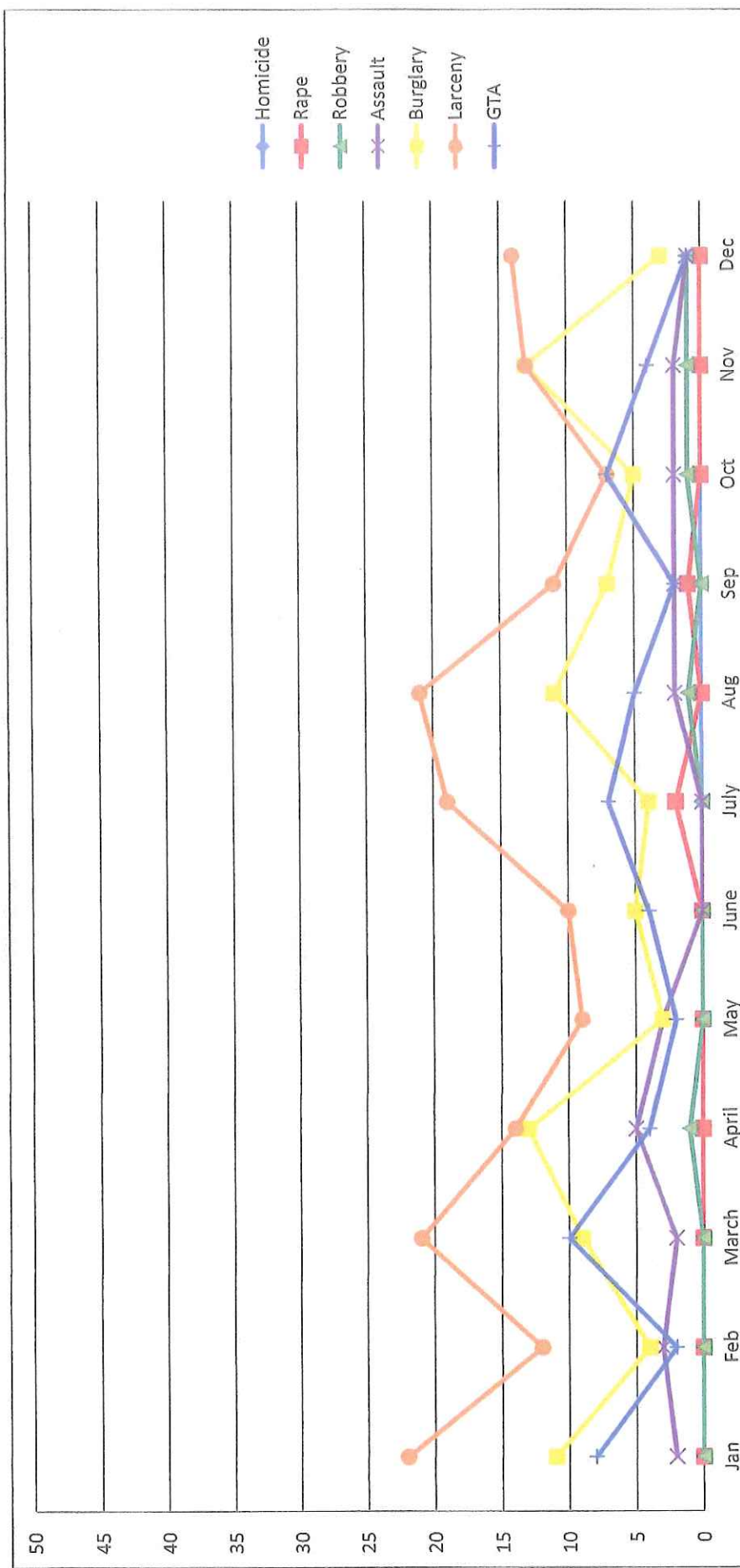
Part I Crimes	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
Homicide	0	0	0	0	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	1	1	0	0	0	0	0	2
Robbery	0	0	0	0	1	0	2	0	3	1	0	0	8
Assault	2	3	2	2	5	3	0	0	2	2	2	1	24
Burglary	4	2	2	20	11	7	5	6	10	9	6	10	96
Larceny	11	14	17	17	9	18	14	11	18	14	19	9	164
GTA	5	9	4	4	2	2	2	1	6	9	6	12	74
<b>Total</b>	<b>22</b>	<b>28</b>	<b>43</b>	<b>28</b>	<b>31</b>	<b>24</b>	<b>18</b>	<b>39</b>	<b>35</b>	<b>34</b>	<b>33</b>	<b>33</b>	<b>368</b>





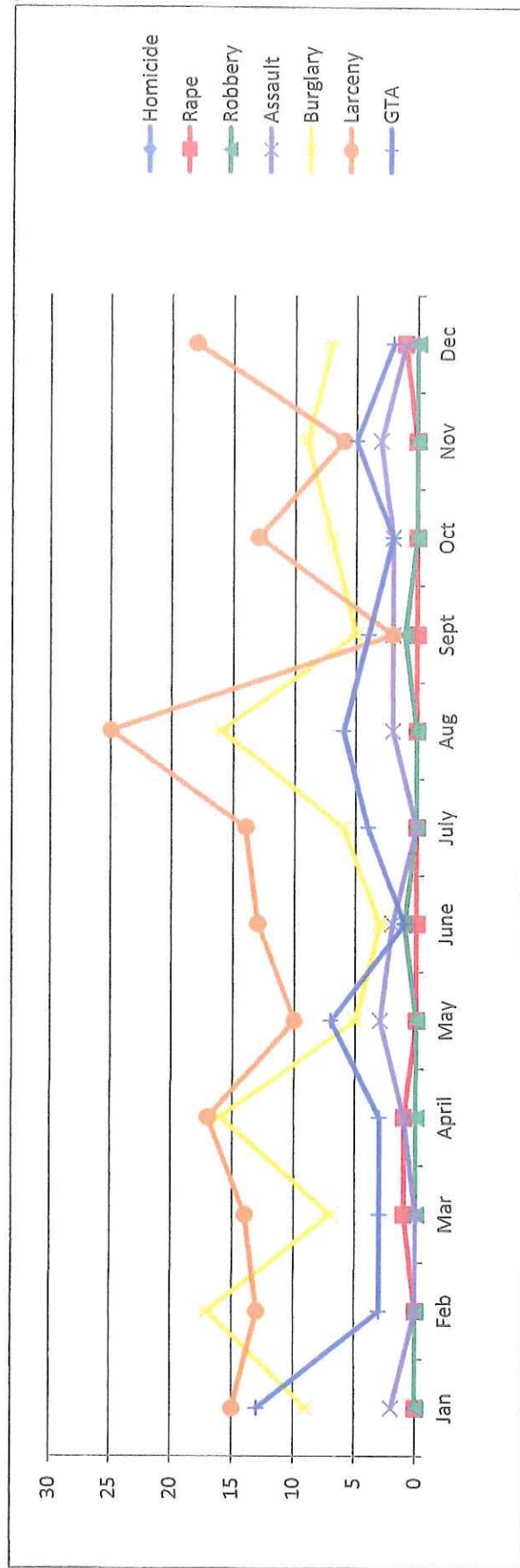
# Kingsburg Police Department 2014 Part I Crimes

Part I Crimes	Jan	Feb	March	April	May	June	July	Aug	Sep	Oct	Nov	Dec	Total
Homicide	0	0	0	0	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	2	0	1	0	0	3
Robbery	0	0	0	0	1	0	0	0	1	0	1	1	5
Assault	2	3	3	2	5	3	0	0	2	2	2	1	24
Burglary	11	4	9	13	13	3	5	4	11	7	5	13	88
Larceny	22	12	21	14	9	10	19	21	21	11	7	13	173
GTA	8	2	10	4	2	4	4	7	5	2	7	4	56
Total	43	21	42	37	17	19	32	40	23	22	33	20	349



Kingsburg Police Department  
2013 Part I Crimes

Part I Crimes	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
Homicide	0	0	0	0	0	0	0	0	0	0	0	0	0
Rape	0	0	0	1	1	0	0	0	0	0	0	1	3
Robbery	0	0	0	0	0	0	1	0	0	1	0	0	2
Assault	2	0	0	0	1	3	2	0	2	2	3	1	18
Burglary	9	17	7	16	5	3	3	6	16	5	7	9	107
Larceny	15	13	14	17	10	13	14	25	25	13	6	18	160
GTA	13	3	3	3	7	1	1	4	6	4	2	5	53
Total	39	33	25	38	25	20	24	49	14	24	23	29	343







Meeting Date: 03/16/2016  
Agenda Item: V 3

## CITY COUNCIL MEETING STAFF REPORT

REPORT TO: Mayor and City Council  
REPORT FROM: Tim Ray, Fire Chief  
AGENDA ITEM: 2015 Fire Department Annual Report

REVIEWED BY:

ACTION REQUESTED: ☐ Ordinance ☐ Resolution ☐ Motion ☒ Receive/File

### EXECUTIVE SUMMARY

This report presented to the Mayor and City Council shows the Fire Department's response activities for the period January 1, 2015 to December 31, 2015, the 2015 calendar year.

This report will show the total number and types of calls for 2015, with comparisons to 2014 and 2013. This report also indicates frequency of calls per month and 2015 goals met.

### RECOMMENDED ACTION BY CITY COUNCIL

No action required

### POLICY ALTERNATIVE(S)

None

### REASON FOR RECOMMENDATION/KEY METRIC

Not applicable

### FINANCIAL INFORMATION

#### FISCAL IMPACT:

- |                              |            |
|------------------------------|------------|
| 1. Is There A Fiscal Impact? | <u>No</u>  |
| 2. Is it Currently Budgeted? | <u>N/A</u> |
| 3. If Budgeted, Which Line?  | <u>N/A</u> |

**FINANCIAL SUMMARY**

Not Applicable

**PRIOR ACTION/REVIEW**

Not Applicable

**BACKGROUND INFORMATION**

Retrieved from local data reported by the Kingsburg Fire Department to the National Incident Reporting System (NFIRS), U. S. Fire Administration.

**ATTACHED INFORMATION**

1. 2015 City Of Kingsburg Fire Department Annual Report



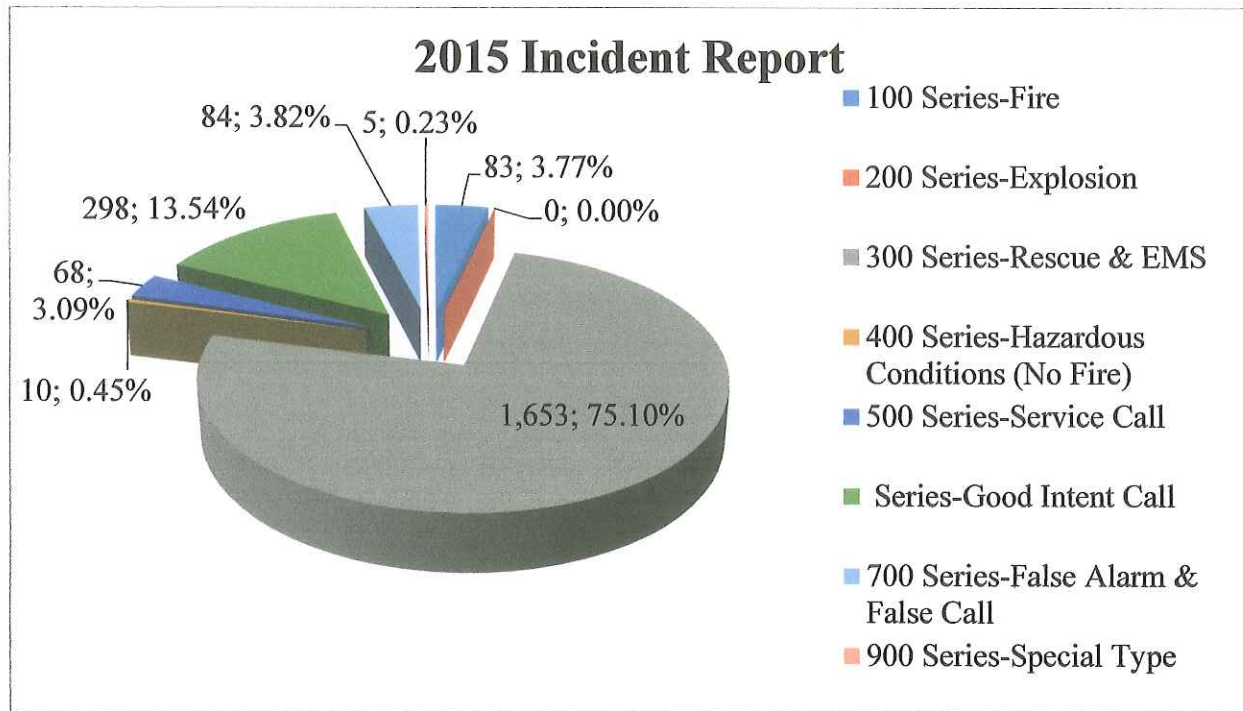
# Kingsburg Fire Department

## Annual Report

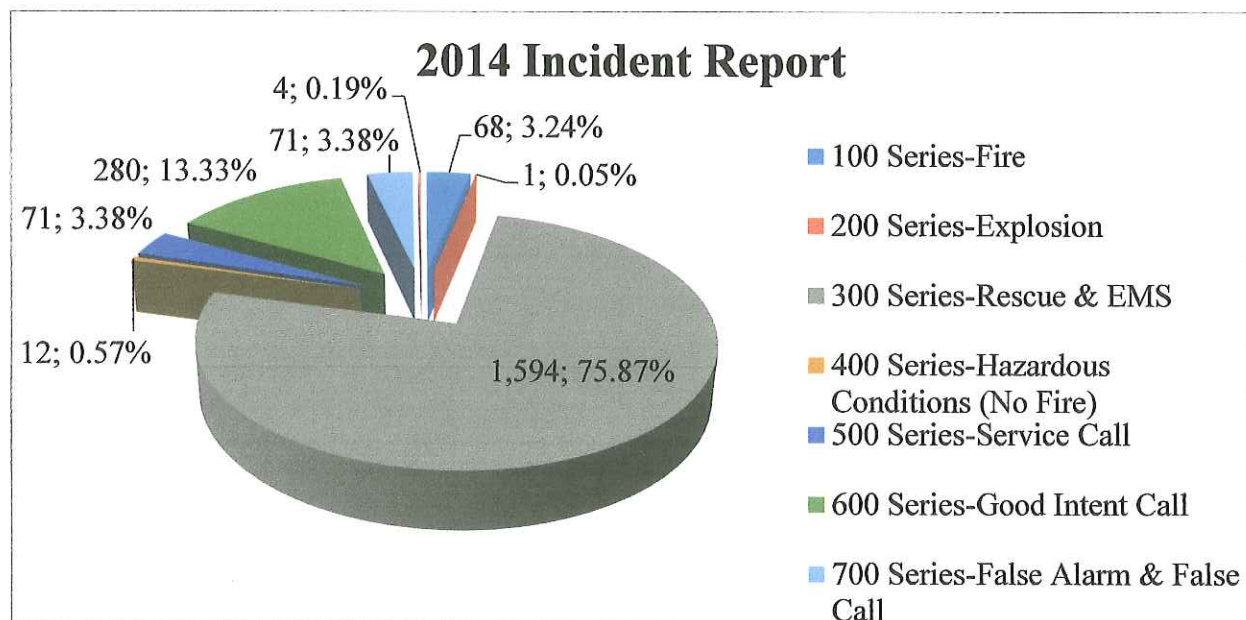
# 2015



## Incidents by Type 2015

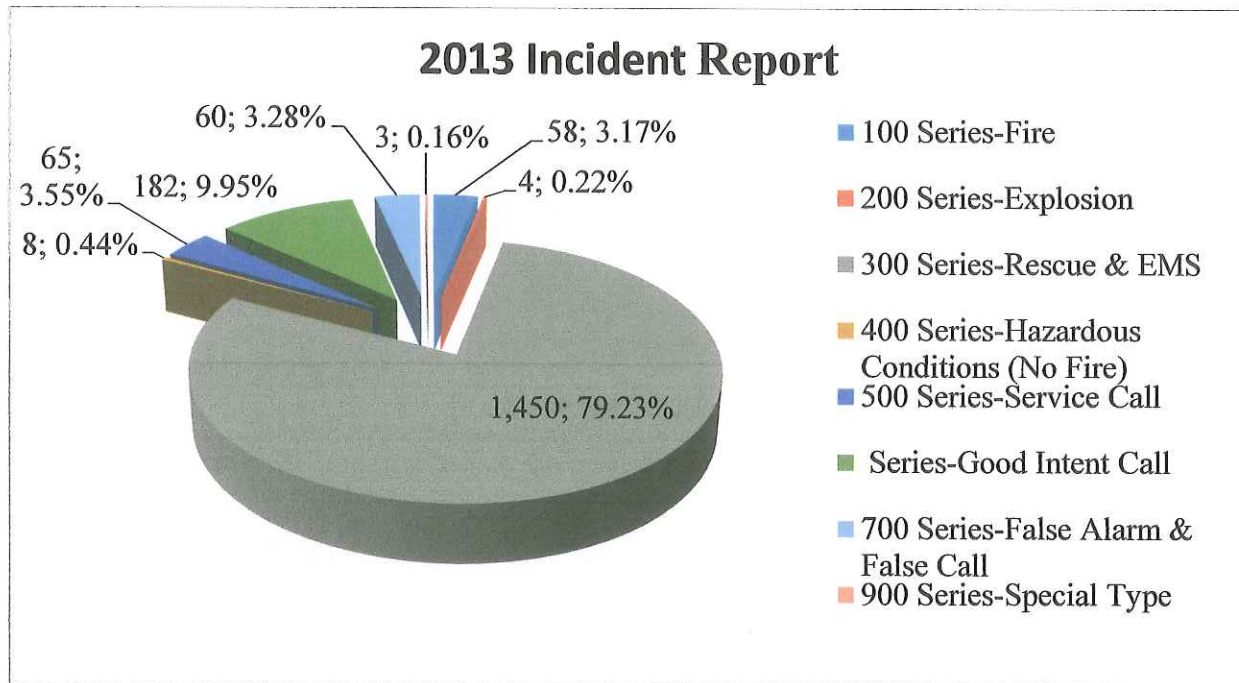


## Incidents by Type 2014





## Incidents by Type 2013



## Call Volumes by Month

2013-2015



## 2015 Goals Met

- Moved Ambulance Billing to Novato Fire District
- Changed Fire Chief to full-time position
- Changed Paid-Call program to Reserve Program
- Swore in 18 new Reserves in September
- Purchased new ambulance, Unit 502 to replace the old 502
- Participated in the FY 14-15 GEMT program with expected funds of \$62,257
- Participated in 14-15 (partial year) IGT program which will net approx. \$377,079